

MONTANA ADMINISTRATIVE REGISTER

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 22

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-9009.

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-533 Notice of Public Hearing on Proposed Adoption, Amendment, and Repeal - Field Trial Regulations - Game Bird Dog Training - Game Bird Farms.	2093-2097
---	-----------

LABOR AND INDUSTRY, Department of, Title 24

24-138-79 (Board of Dentistry) Notice of Public Hearing on Proposed Amendment - Approved Clinical Exam Criteria for Dentists and Dental Hygienists.	2098-2100
---	-----------

LIVESTOCK, Department of, Title 32

32-20-313 (Board of Milk Control) Notice of Proposed Amendment - Milk Control Assessments. No Public Hearing Contemplated.	2101-2103
32-20-314 Notice of Proposed Amendment - Special Requirements for Swine. No Public Hearing Contemplated.	2104-2106

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-22-210 Notice of Public Hearing on Proposed Adoption -
Rangeland Management. 2107-2110

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-933 Amended Notice of Public Hearing on Proposed Amendment
- Updating Medicaid Provider Rates, Fee Schedules, and Effective
Dates. 2111-2112

37-936 Notice of Proposed Amendment - Montana
Telecommunications Access Program (MTAP) Financial Eligibility
Criteria. No Public Hearing Contemplated. 2113-2115

REVENUE, Department of, Title 42

42-1026 Notice of Public Hearing on Proposed Adoption and
Amendment - Montana Achieving a Better Life Experience (ABLE)
Program Accounts and Family Education Plan Savings Accounts. 2116-2127

42-1027 Notice of Proposed Amendment - Revisions to Definitions
of Oil Stripper Well Bonus - Stripper Well Exemption. No Public
Hearing Contemplated. 2128-2130

SECRETARY OF STATE, Office of, Title 44

44-2-241 (Commissioner of Political Practices) Notice of Proposed
Amendment - Payment Threshold--Inflation Adjustment for
Lobbyists. No Public Hearing Contemplated. 2131-2132

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-59-609 Notice of Amendment - Semiannual Assessment for Banks
and Credit Unions. 2133

EDUCATION, Title 10

10-53-137 (Board of Public Education) Notice of Adoption,
Amendment, and Repeal - Technology Integration Content
Standards. 2134-2135

10-54-134 (Board of Public Education) Notice of Adoption and
Repeal - K-12 Career and Technical Education Content Standards. 2136-2137

EDUCATION, Continued

10-55-135 (Board of Public Education) Notice of Adoption - K-12 Computer Science Content Standards.	2138-2139
10-55-136 (Board of Public Education) Notice of Adoption, Amendment, and Repeal - Library Media Content Standards.	2140-2141
10-55-138 (Board of Public Education) Notice of Adoption, Amendment, and Repeal - K-12 Social Studies Content Standards.	2142-2143

LABOR AND INDUSTRY, Department of, Title 24

24-101-309 Notice of Amendment and Adoption - Definitions - Applicants With Criminal Convictions.	2144
---	------

LIVESTOCK, Department of, Title 32

32-18-293 Notice of Adoption - Recalls.	2145
---	------

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-931 Notice of Amendment - Automated External Defibrillators (AED).	2146
---	------

PUBLIC SERVICE REGULATION, Department of, Title 38

38-5-245 Notice of Amendment - Small Generator Interconnection Definitions and Procedures.	2147-2150
--	-----------

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee.	2151-2152
How to Use ARM and MAR.	2153
Recent Rulemaking by Agency.	2154-2160
Executive Branch Appointees.	2161-2175
Executive Branch Vacancies.	2176-2225

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of NEW	)	NOTICE OF PUBLIC HEARING ON
RULES I, II, and III, the amendment	)	PROPOSED ADOPTION,
of ARM 12.6.1602 and 12.6.1610,	)	AMENDMENT, AND
and the repeal of ARM 12.6.206,	)	REPEAL
12.6.210, 12.6.215, 12.6.220,)	
12.6.225, 12.6.230, and 12.6.1601A)	
pertaining to field trial regulations,)	
game bird dog training, and game)	
bird farms)	

TO: All Concerned Persons

1. On December 15, 2020, at 10:00 a.m., the Department of Fish, Wildlife and Parks (department) will hold a telephonic public hearing via ZOOM meeting platform to consider the proposed adoption, amendment, and repeal of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing in the following way:

(a) Dial by telephone, 1-646-558-8656
Meeting ID: 988 8864 1013
Password: 809105

The hearing will begin with a brief introduction by staff to explain the use of the telephonic platform. All participants will be muted except when it is their time to speak.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on December 4, 2020, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I FIELD TRIAL ON PUBLIC LAND (1) An application for a field trial on public land must include the following:

- (a) the number and species of captive-reared birds to be used for the trial, if captive-reared birds are being used; and
- (b) written consent from the controlling land managing agency.

AUTH: 87-3-604, MCA
IMP: 87-3-603, MCA

NEW RULE II DISEASE PREVENTION (1) All captive-reared game birds used for dog training shall originate from National Poultry Improvement Plan (NPIP) sources.

AUTH: 87-3-604, 87-4-913, MCA
IMP: 87-3-603, MCA

NEW RULE III PROOF OF PURCHASE OF CAPTIVE-REARED GAME BIRDS USED IN DOG TRAINING (1) A person using captive-reared game birds for which a commission-approved hunting season exists for dog training or a field trial shall retain proof of purchase that the birds were legally obtained from a licensed game bird farm as established in 87-4-903, MCA.

(2) Proof shall be in the form of a receipt or, alternatively, the birds may be banded with a leg band approved by the department. The receipt must state the following:

- (a) name of the species;
- (b) quantity of birds;
- (c) sex of birds;
- (d) name of the game bird farm; and
- (e) name of the purchaser.

AUTH: 87-3-604, 87-4-913, MCA
IMP: 87-3-603, MCA

4. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

12.6.1602 PURCHASE AND SALE OF GAME BIRDS (1) No person may purchase live game birds from within the state except from the holder of a current game bird farm license. ~~Licensees may sell live game birds within the state only if the prospective purchaser is legally entitled to possess live game birds as evidenced by any of the following:~~

- ~~(a) a permit to possess captive-reared birds for noncommercial use;~~
- ~~(b) a permit to kill captive-reared birds in dog training;~~
- ~~(c) a permit to kill captive-reared birds in raptor training;~~
- ~~(d) a permit to release live ring-necked pheasants;~~
- ~~(e) a shooting preserve license;~~
- ~~(f) a zoo or menagerie permit;~~
- ~~(g) a permit to conduct a field trial;~~
- ~~(h) a game bird farm license; or~~
- ~~(i) an active Upland Game Bird Enhancement Program contract between the purchaser and the department for releasing ring-necked pheasants.~~

(2) Game bird farm operators shall provide proof of purchase to the purchaser in the form of a receipt or, alternatively, the birds may be banded with a leg band approved by the department. The receipt must state the following:

- (a) name of the species;
 - (b) quantity of birds;
 - (c) sex of birds;
 - (d) name of the game bird farm; and
 - (e) name of the purchaser.
- (2) remains the same but is renumbered (3).

AUTH: 87-4-913, MCA
IMP: 87-4-902, 87-4-911 MCA

12.6.1610 NATIONAL POULTRY IMPROVEMENT PLAN (1) All captive-reared game birds sold in Montana shall originate from a National Poultry Improvement Plan (NPIP) certified flock.

~~(1)~~(2) Game bird farm licensees who maintain a breeding flock over the winter to hatch out offspring for sale and potential release in Montana must be ~~National Poultry Improvement Plan (NPIP)~~ certified.

(2) and (3) remain the same but are renumbered (3) and (4).

AUTH: 87-4-913, MCA
IMP: 87-4-906, 87-4-908 MCA

5. The department proposes to repeal the following rules:

12.6.206 DEFINITIONS

AUTH: 87-4-913, MCA
IMP: 87-4-915, MCA

12.6.210 FIELD TRIAL PERMITS

AUTH: 87-4-913, MCA
IMP: 87-4-915, MCA

12.6.215 PERMIT TO USE CAPTIVE-REARED BIRDS

AUTH: 87-4-902, 87-4-913, 87-4-915, MCA
IMP: 87-4-915, MCA

12.6.220 USE OF CAPTIVE-REARED BIRDS IN TRAINING

AUTH: 87-4-913, MCA
IMP: 87-4-902, 87-4-915, MCA

12.6.225 PERMIT TO RELEASE RING-NECKED PHEASANTS FOR
NONCOMMERCIAL PURPOSES

AUTH: 87-4-913, MCA

IMP: 87-4-501, 87-4-902, 87-4-915, MCA

12.6.230 PERMIT TO POSSESS CAPTIVE-REARED BIRDS FOR
NONCOMMERCIAL PURPOSES

AUTH: 87-4-913, MCA

IMP: 87-4-902, 87-4-915, MCA

12.6.1601A DEFINITIONS

AUTH: 87-4-913, MCA

IMP: 87-4-915, MCA

REASON: The 2019 legislature enacted HB 29, which changed the legal requirements for certain activities relating to field trials and to the training of dogs using captive-reared upland game birds. In addition, HB 29 made some of FWP's existing administrative rules contrary to the new law, or confusing, or redundant. Upon passage of HB 29, FWP undertook a collaborative scoping process, including outreach to constituent groups, to better understand how training activities are conducted. This included input from representatives from most major sporting dog training organizations in Montana. Additionally, the department undertook an internal process review for dog training, field trials, and captive reared game bird farm management. These processes recognized unneeded and cumbersome permitting requirements as well as rules that needed to be changed due to the new statutes. These proposed rules represent the results of the collaborative process, agency process review, and necessary changes resulting from statute changes.

The department is proposing to amend and repeal rules which outline a permitting process that is not being used as a management tool and therefore is unnecessary. The department is also proposing to amend and repeal rules which attempt to regulate activity that appears not to be congruent with current rulemaking authority. The department is proposing to adopt new rules which would require retention of proof of purchase for birds, which would allow department staff to make sure birds being used for training can be differentiated from wild birds. Additionally, the department is proposing that birds be obtained from an NPIP certified flock, which would ensure that captive-reared birds used in the field are screened for disease.

6. Concerned persons may submit their data, views, or arguments orally at the telephonic hearing. Written data, views, or arguments may also be submitted to: Phil Kilbreath, Department of Fish, Wildlife and Parks Enforcement Division, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail pkilbreath@mt.gov, and must be received no later than December 18, 2020.

7. Kaedy Gangstad or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

8. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to: Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be emailed to kgangstad@mt.gov.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by phone on October 14, 2020.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption, amendment, and repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Martha Williams
Martha Williams
Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State on November 10, 2020.

BEFORE THE BOARD OF DENTISTRY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.138.504 pertaining to) PROPOSED AMENDMENT
approved clinical exam criteria for)
dentists and dental hygienists)

TO: All Concerned Persons

1. On December 11, 2020, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rule. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/96785421962>, Meeting ID: 967 8542 1962, Passcode: 698718; or

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656, Meeting ID: 967 8542 1962, Passcode: 698718.

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Dentistry no later than 5:00 p.m., on December 4, 2020, to advise us of the nature of the accommodation that you need. Please contact Kevin Bragg, Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2390; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdden@mt.gov (board's e-mail).

3. The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.138.504 APPROVED CLINICAL EXAM CRITERIA FOR DENTISTS AND DENTAL HYGIENISTS (1) remains the same.

(2) Dental students who graduate ~~in the year 2020~~ during the state of emergency declared in the Governor of Montana's Executive Order 2-2020 shall be allowed to substitute ~~the Western Regional Examining Board's a board-approved~~ manikin-based operative exam in lieu of the patient-based examinations required in (1)(a) and (1)(b). All remaining non-patient-based requirements shall remain in effect. The exception outlined in this section shall expire ~~on December 31, 2020~~ 90

days after the Governor of the State of Montana ends the state of emergency declared in Executive Order 2-2020.

(3) through (6) remain the same.

AUTH: 37-1-131, 37-4-205, 37-4-402, MCA

IMP: 37-1-131, 37-4-301, 37-4-402, MCA

REASON: The board determined it is reasonably necessary to amend this rule in response to the ongoing COVID-19 pandemic. In MAR Notice No. 24-138-78, the board added (2) to allow 2020 graduates to substitute the Western Regional Examination Board (WREB) manikin examination for patient-based examinations. Without amendment, this exemption to patient-based examinations will end December 31, 2020.

Following this change in August, graduates continue to request accommodations regarding patient-based examinations due to the pandemic. Therefore, the board is amending (2) to accommodate graduates beyond 2020 by extending the time period for alternative clinical examinations to correspond with the declared state of emergency. Additionally, the amendments will allow the board to add approved manikin-based examinations that satisfy the current clinical examination requirements without having to expressly endorse or limit providers.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdden@mt.gov, and must be received no later than 5:00 p.m., December 18, 2020.

5. An electronic copy of this notice of public hearing is available at dentistry.mt.gov (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdden@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.138.504 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2390; facsimile (406) 841-2305; or to dlibsdden@mt.gov.

9. Kevin Bragg, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF DENTISTRY
AIMEE AMELINE, DDS
PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ BRENDA NORDLUND
Brenda Nordlund, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 10, 2020.

BEFORE THE BOARD OF MILK CONTROL
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 32.24.450 milk control) AMENDMENT
assessments)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. The Board of Milk Control (board), which is administratively attached to the Department of Livestock, proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on December 11, 2020 to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.24.450 MILK CONTROL ASSESSMENTS (1) Pursuant to 81-23-202, MCA, the following assessments are levied upon the Act licensees of this department for the purpose of securing funds to administer and enforce the Act.

(a) A fee of \$0.05250 ~~\$0.055~~ per hundredweight, with no assessment for fees less than \$5.00 per month, on the total volume of all milk subject to the Act produced and sold by a producer-distributor.

(b) A fee of \$0.02625 ~~\$0.0275~~ per hundredweight, with no assessment for fees less than \$5.00 per month, on the total volume of all milk subject to the Act sold by a producer.

(c) A fee of \$0.02625 ~~\$0.0275~~ per hundredweight, with no assessment for fees less than \$5.00 per month, on the total volume of milk subject to the Act sold by a distributor, excepting that which is sold to another distributor. If the distributor is foreign, the assessment must be paid either by the foreign distributor or by the import jobber.

(2) through (6) remain the same.

AUTH: 81-23-102, 81-23-104, 81-23-202, MCA
IMP: 81-1-102, 81-23-103, 81-23-202, MCA

REASON: The board proposes to amend the above-stated rule:

- to raise sufficient revenue to provide for the administration of Title 81, chapter 23, MCA, as proposed for Fiscal Year 2022; and
- to ensure assessments are commensurate with the costs as required by 81-1-102(2), MCA, while maintaining a reasonable cash balance in the related special revenue fund to ensure solvency.

The proposed amendments to ARM 32.24.450 would affect approximately 109 businesses licensed by the Milk Control Bureau.

The proposed assessment rates would decrease milk control assessment revenue by approximately \$10,735.

4. The board intends to adopt the proposed amendment effective July 1, 2021.

5. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., December 18, 2020.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as in 5 above. The written request for hearing must be received no later than 5:00 p.m., December 18, 2020.

7. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 11, based upon there being approximately 109 businesses licensed by the Milk Control Bureau that are currently operating.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ W. Scott Mitchell
W. Scott Mitchell
Chair
Board of Milk Control

/s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer
Department of Livestock

Certified to the Secretary of State November 10, 2020.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 32.3.219 special requirements) AMENDMENT
for swine)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on December 11, 2020, to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.3.219 SPECIAL REQUIREMENTS FOR SWINE (1) Swine may enter the state of Montana provided they are transported or moved in conformity with ARM 32.3.201 through 32.3.211 and Title 9 CFR part 85 and are accompanied by an official health certificate of the state of origin issued by an accredited veterinarian attesting that:

(a) the swine have been inspected within ~~ten~~ thirty days of the date of shipment; and

(b) through (3) remain the same.

AUTH: 81-2-102, 81-2-104, 81-2-707, ~~81-20-104~~, MCA

IMP: 81-2-102, 81-2-703, 81-2-707, ~~81-20-104~~, MCA

REASON: Administrative Rules of Montana currently requires swine to be inspected within ten days of importation into Montana. The federal standard for the issuance of certificates of veterinary inspection is inspection within ten days of certificate issuance and inspection within thirty days of movement, which is applied across all neighboring states and several midwestern states with large swine populations.

Montana is proposing to amend our import rule to be consistent with the federal standard and other states. The rule requiring inspection within ten days of shipment frequently causes a need for a second inspection of animals. Animal Health Bureau

staff researched state and federal laws to find supporting language for the use of ten days and are unable to explain the origin or intent of the rule.

The department is also proposing to update authorizing and implementing citations to accurately reflect sources of rulemaking authority and implementation.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., December 18, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., December 18, 2020.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those person directly affected has been determined to be 54, based upon 542 swine premises in Montana.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State November 10, 2020.

(9) "Resource conservation plan" means a plan that includes the record of decisions, supporting information for treatment of a unit of land meeting planning criteria for one or more identified natural resource concerns, and the schedule of implementation for practices and activities needed to solve identified natural resource concerns.

(10) "State coordinator" means the state coordinator for the Montana Rangeland Resources Act provided for in 2-15-3304, MCA.

(11) "Supervisor" means conservation district supervisor.

(12) "Tame pastureland" means land that has been modified by mechanical cultivation and that has current vegetation consisting of native species, or introduced species, or both.

AUTH: 76-14-116, MCA

IMP: 76-14-111, 76-14-112, 76-14-113, 76-14-114, 76-14-115, MCA

REASONABLE NECESSITY: In 1983 the legislature created the rangeland improvement loan special revenue account, codified as 76-14-112, MCA, and directed the department to adopt rules relative to the loan program. These proposed rules are to bring the program into compliance with statute and provide clarity and guidance to the public and the program.

NEW RULE II RANGELAND RESOURCE LOANS (1) Applicants are eligible to apply for a loan to finance rangeland improvements to be constructed, developed, and operated in Montana according to 76-14-113, MCA.

(2) Applications must be:

(a) initiated through the local district;

(b) completed using the Range Improvement Loan Application, available online at <http://dnrc.mt.gov/divisions/cardd> or upon request;

(i) terms and conditions of the loan can be found in application;

(c) accompanied by a resource conservation plan, which may be prepared in consultation with the Natural Resources Conservation Service (NRCS), and verified by the board;

(d) the application must be submitted to the board at least two weeks prior to their next scheduled meeting.

(3) During the application review process:

(a) the board must consider each application individually using the criteria outlined in 76-14-114, MCA;

(b) the board must act on the application at the first board meeting following receipt of the application;

(c) the board must notify applicants of action taken within five business days;

(d) the board must forward the application with recommendations to the department within five business days of board recommendation and approval;

(e) CARRD will organize and review the application for financial clarity and completeness prior to committee review;

(f) the application will be reviewed by the committee;

(g) the committee shall make recommendations to the department;

(h) the department director makes final approval or disapproval of applications recommended by the committee and selects the loan recipients; and
(i) applicants shall be notified within five business days of a decision by the department director.

(4) Upon final approval by the department, applicants will be contacted by CARDD for loan closing instructions.

(5) CARDD is responsible for the proper execution of security instruments and the filing of necessary documents, including, but not limited to the following terms and conditions:

(a) annual repayment installments can be spread over a maximum of ten years;

(b) prepayments may be made:

(i) in any amount;

(ii) at any time; and

(iii) will be applied to accrued interest first with the balance of the payment being applied to the principal;

(c) prepayments will not affect the obligation of the borrower to pay the remaining installments as scheduled;

(d) any provision of the loan agreement may be modified or supplemented by written agreement between the borrower and the department on or after the date of the original agreement;

(e) the interest rate and maximum loan amount charged for loans will be recommended by the committee and approved by the director annually no later than July 1;

(i) the determination of the interest rate will be based on the conventional agriculture loan rates of the current year.

(f) all costs incident to the loan must be paid by the borrower, including, but not limited to:

(i) title Insurance;

(ii) filing fees; and

(iii) administrative fees;

(A) an administrative fee of one percent of the total loan, in addition to the interest rate, will be assessed and due at the time of loan closing;

(g) loans must be secured by a mortgage on real property;

(i) the mortgage value required for security of the loan will be determined by the department from a current average per acre of land prices in the area of the approved application;

(A) the financial disclosures required for the loan application are submitted separately, and

(B) financial information submitted to the department as a requirement of the loan application process will be held in strict confidence by the department and will not be subject to public review;

(ii) real estate used as security must have access from a public road.

AUTH: 76-14-116, MCA

IMP: 76-14-113, 76-14-114, 76-14-115, MCA

REASONABLE NECESSITY: In 1983 the legislature created the rangeland improvement loan special revenue account, codified as 76-14-112, MCA, and directed the department to adopt rules relative to the loan program. These proposed rules are to bring the program into compliance with statute and provide clarity and guidance to the public and the loan program.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing to be held on December 11, 2020, at 10:00 a.m. Written data, views, or arguments may also be submitted in writing to Stacey Barta, Department of Natural Resources and Conservation, 220 W. Lamme, Suite 1A, Bozeman, MT 59715, telephone (406) 594-8481, or e-mail sbarta@mt.gov., and must be received no later than 5:00 p.m. on December 18, 2020.

5. Stacey Barta, Department of Natural Resources and Conservation, has been designated to preside over and conduct the public hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Aliselina Strong, P.O. Box 201601, 1539 Eleventh Avenue, Helena, MT 59620; fax (406) 444-2684; e-mail astrong@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rules will not significantly impact small businesses.

/s/ John E. Tubbs
John E. Tubbs
Director
Natural Resources and Conservation

/s/ Ada C. Montague Stepleton
Ada C. Montague Stepleton
Rule Reviewer

Certified to the Secretary of State on November 10, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 37.85.105 pertaining to) HEARING ON PROPOSED
updating Medicaid provider rates, fee) AMENDMENT
schedules, and effective dates)

TO: All Concerned Persons

1. On November 6, 2020 the Department of Public Health and Human Services published MAR Notice No. 37-933 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 2048 of the 2020 Montana Administrative Register, Issue Number 21. In that notice, the department stated that it will hold a public hearing on November 30, 2020, at 10:00 a.m., via remote conferencing to consider the proposed amendment of the above-stated rule. There are no changes to this scheduled public hearing. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/94117725120>; meeting ID: 941 1772 5120;

(b) Dial by telephone +1 646 558 8656; meeting ID: 941 1772 5120. Find your local number: <https://mt-gov.zoom.us/u/abMUGCWUVb>.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on November 25, 2020, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The department is supplementing the proposal notice to add the fee schedule for mobile imaging services, which the department mistakenly left out of the original notice. The department proposes to revise the effective date for the mobile imaging fee schedule to reflect updated Medicare procedure codes adopted by Centers for Medicare and Medicaid Services, effective January 1, 2021. The proposed update to the fee schedule will ensure providers can accurately and timely bill for services they provide to Medicaid members.

4. The proposed amendment to the rule is being amended as follows, new matter underlined, deleted matter interlined:

37.85.105 EFFECTIVE DATES, CONVERSION FACTORS, POLICY
ADJUSTERS, AND COST-TO-CHARGE RATIOS OF MONTANA MEDICAID
PROVIDER FEE SCHEDULES (1) and (2) remain as proposed.

(3) The department adopts and incorporates by reference, the fee schedule for the following programs within the Health Resources Division, on the date stated.

(a) through (x) remain as proposed.

(y) The mobile imaging services fee schedule, as provided in ARM 37.85.212, is effective ~~July 1, 2020~~ January 1, 2021.

(z) through (6) remain as proposed.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-125, 53-6-402, MCA

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Heidi Clark, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on December 4, 2020. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Erica Johnston for Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State November 10, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 37.36.604 pertaining to) AMENDMENT
Montana Telecommunications)
Access Program (MTAP) financial) NO PUBLIC HEARING
eligibility criteria) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Public Health and Human Services proposes to amend the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on December 4, 2020, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.36.604 FINANCIAL ELIGIBILITY CRITERIA (1) Individuals whose annual family income during the 12 months immediately preceding the month of application is less than 250% of the ~~2019~~ 2020 poverty guidelines published by the U.S. Department of Health and Human Services (HHS) are eligible for a loan of specialized telecommunications equipment based on income. 250% of the HHS ~~2019~~ 2020 annual poverty guidelines for families of various sizes is shown in (2).

(2) 250% of the annual poverty guidelines is as follows:

FAMILY SIZE	250% OF ANNUAL POVERTY GUIDELINE
One	\$31,225 <u>\$31,900</u>
Two	\$42,275 <u>\$43,100</u>
Three	\$53,325 <u>\$54,300</u>
Four	\$64,375 <u>\$65,500</u>
Five	\$75,425 <u>\$76,700</u>
Six	\$86,475 <u>\$87,900</u>

Seven	\$97,525 <u>\$99,100</u>
Eight	\$108,575 <u>\$110,300</u>
Each Additional Person, Add	\$11,050 <u>\$11,200</u>

(3) remains the same.

AUTH: 53-19-305, 53-19-307, MCA

IMP: 53-19-305, 53-19-307, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing an amendment to ARM 37.36.604.

The following describes the purpose and necessity of the proposed rule amendment pertaining to this rule:

ARM 37.36.604

The proposed amendment of ARM 37.36.604 reflects the 2020 U.S. Department of Health and Human Services poverty index guidelines.

The department is proposing to amend ARM 37.36.604, Montana Telecommunications Access Program (MTAP) financial eligibility criteria. This rule sets forth the criteria that allow for the department to pay for services being made available to persons who are eligible for MTAP. The rule provides that the payment for services by the department may occur if the consumer's income and financial resources do not exceed maximum levels for income and resources established through the rule.

This rule amendment revises the maximum level of allowable income. Currently the rule provides that the maximum level is 250% of the 2019 United States Department of Health and Human Services poverty guidelines for households.

The rule amendment would revise this level by replacing the year 2019 guidelines with the year 2020 guidelines.

Fiscal Impact

The department anticipates that there would be no fiscal impact due to the increase in the Federal Poverty Index level (FPL). A minimal number of clients that are served by the Montana Telecommunications Access Program (MTAP) exceed the FPL. The majority are well under the FPL. An increase in the FPL would therefore not yield any additional costs to the MTAP program.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Heidi Clark, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on December 18, 2020. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Heidi Clark at the above address no later than 5:00 p.m., December 18, 2020.

7. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 144 persons based on 1,441 with an open case currently being served by the program.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Nicholas Domitrovich
Nicholas Domitrovich
Rule Reviewer

/s/ Erica Johnston for Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State November 10, 2020.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF PUBLIC HEARING ON
Rules I through IV and the	)	PROPOSED ADOPTION AND
amendment of ARM 42.15.802,	)	AMENDMENT
42.15.803, 42.15.804, and 42.15.805)	
pertaining to Montana Achieving a)	
Better Life Experience (ABLE))	
program accounts and family)	
education plan savings accounts)	

TO: All Concerned Persons

1. On December 14, 2020, at 10:00 a.m., the Department of Revenue will hold a public hearing via remote conferencing to consider the proposed adoption and amendment of the above-stated rules. Interested persons may access the public hearing in the following ways:

- (a) Join Zoom Meeting: <https://mt-gov.zoom.us/j/95193183803>, Meeting ID: 951 9318 3803;
- (b) Dial by Telephone: +1.406.444.9999 or +1.646.558.8656, Meeting ID: 951 9318 3803;
- (c) Join by SIP: 95193183803@zoomcrc.com;
- (d) Join by H.323 (Polycom): 162.255.37.11## 95193183803; or
- (e) Join by Skype for Business: <https://mt-gov.zoom.us/skype/95193183803>.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on November 27, 2020. Please contact Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or todd.olson@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY. The 66th Montana Legislature enacted House Bills 88 (HB 88) and 288 (HB 288), both of which revised requirements relating to the Montana Achieving a Better Life Experience (ABLE) Act, 53-25-101, et. seq., MCA (Act). HB 88 allows the tax deduction for contributions to ABLE accounts maintained by another state and residents of another state to use Montana's ABLE program. HB 288 generally revised ABLE program account requirements, expanded which family members are eligible to receive a tax deduction for contributions made to an ABLE account, and revised recapture tax matters for nonqualified (i.e., recapturable) withdrawals.

The department proposes to adopt New Rules I through IV to implement necessary portions of the Act into the department's rules and implement HB 88 and HB 288's respective revised ABLE account provisions, the administration and enforcement of which are legislatively delegated to the department under 53-25-118,

MCA. The department proposes to locate the new rules into a new subchapter within ARM Title 42, chapter 15, which the department intends will establish guidance, procedures, and information reporting requirements not sufficiently provided for in the Act for individuals utilizing or benefitting from ABLE accounts, ABLE program administrators, and the department.

In addition to the department's proposed adoption of New Rules I through IV, the department also conducted a periodic review of the family education savings program account rules found in ARM Title 42, chapter 15, subchapter 8, and proposes the amendments described below because the rules currently contain certain redundancies to statute, provisions with waning efficacy given the passage of time and changes in department policy, or rule text that can be restated more plainly and concisely.

While this general statement of reasonable necessity covers the basis for the following proposed rule adoptions and amendments, it is supplemented below to explain rule-specific proposals.

4. The rules as proposed to be adopted provide as follows:

NEW RULE I DEFINITIONS The following definitions apply to terms used in this subchapter:

(1) "ABLE account" or "account" mean the same as "account," which is defined in 53-25-103, MCA.

(2) "Achieving a better life experience (ABLE) program" or "program" means the same as "program," which is defined in 53-25-103, MCA.

(3) "Contributor" means the same as the term is defined in 53-25-103, MCA, and includes the individuals listed in [NEW RULE II] that have contributed to one or more accounts established under the Montana ABLE program or to a qualified program established by another state, and are eligible for a deduction to adjusted gross income under 15-30-2110(12), MCA.

AUTH: 15-1-201, 15-30-2620, 53-25-118, MCA

IMP: 53-25-104, 53-25-117, 53-25-118, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes New Rule I because there are terms defined in the Act that pertain to the department's administration of income tax matters arising from the Act, but are not included in Title 15, MCA. The department's inclusion of terminology from the Act into rule is consistent with similar instances where statutory programs involve more than one agency and more than one area in statute, and this coordination with the Act proves more beneficial to stakeholders and tax preparers than providing a cross-reference.

NEW RULE II DEDUCTION FOR CONTRIBUTIONS TO AN ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACCOUNT (1) In addition to the individuals listed in 15-30-2110(12), MCA, the following contributors identified in 53-25-117, MCA, are also allowed a deduction from Montana adjusted gross income for a contribution made to an ABLE account:

(a) the designated beneficiary;
(b) the spouse of the designated beneficiary; or
(c) a parent, grandparent, sibling, or child related to the designated beneficiary by blood, marriage, or legal adoption.

(2) The deduction provided under 15-30-2110(12), MCA, for contributions to an ABLE account is available to resident and nonresident individuals. If a nonresident individual contributes to an account, the deduction is only allowed if the designated beneficiary is the nonresident's child or stepchild and is also a Montana resident.

(3) A contributor must provide a written report to the designated beneficiary or agent, by the end of the tax year in which the contribution is made to an ABLE account, detailing the amount of the contributions that will reduce adjusted gross income for that tax year.

AUTH: 15-1-201, 15-30-2620, 53-25-118, MCA

IMP: 15-30-2110, 53-25-104, 53-25-117, 53-25-118, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes to adopt New Rule II to implement 53-25-104 and 53-25-117, MCA, because HB 288 removed the definition of "account owner," from the Act, but did not remove the definition from 15-30-2110(12), MCA. Until such time as HB 288's social services and taxation requirements amendments are statutorily coordinated, it is necessary for the department's rules to reflect the definitions in 50-25-103, MCA, and the expanded eligibility requirements included in 53-25-104 and 53-25-117, MCA. The purpose of (3) is to provide necessary contributor reporting and recordkeeping requirements to a designated beneficiary or agent so they are able to keep accurate records and also determine any recapture taxes due based on contributions by someone other than the designated beneficiary.

NEW RULE III ACHIEVING A BETTER LIFE EXPERIENCE (ABLE)
ACCOUNT RECAPTURE TAX (1) There is a recapture tax, payable by a designated beneficiary, regardless of residency status, on recapturable withdrawals from an ABLE account. Recapturable withdrawals and the amount of the recapture tax are provided in 53-25-118, MCA.

(2) A recapturable withdrawal of amounts that previously reduced a contributor's Montana adjusted gross income under 15-30-2110(12), MCA, is Montana source income to the designated beneficiary in the year of the recapturable withdrawal, as described in 15-30-2101(18)(a)(xvi), MCA.

(3) The recapture tax must be determined and withheld by the designated beneficiary or agent and reported to the department based on the recapturable withdrawal that occurred and the report detailing the contributions as required in [NEW RULE II(3)]. The designated beneficiary or agent must maintain records showing the reported contributions and withdrawals.

(4) The agent shall withhold and remit the recapture tax on a Montana individual income tax return for the tax year of the withdrawal if the recapturable withdrawal occurred from an account for which the designated beneficiary is no longer a resident of Montana.

AUTH: 15-1-201, 15-30-2620, 53-25-118, MCA
IMP: 15-30-2103, 15-30-2110, 53-25-118, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes to adopt New Rule III to implement HB 288 amendments to 53-25-118, MCA, related to the payment and reporting of the recapture tax.

Section (1) provides information, guidance, and the department's statutory authority involving recapturable withdrawals. Section (1) also reflects and supports the requirement that the designated beneficiary is responsible to pay the recapture tax instead of the ABLE account owner, which was the case prior to the HB 288 amendments.

Section (2) is proposed to inform all ABLE account contributors that recapturable withdrawals are Montana source income. Further, if contributions are made to an ABLE account for a nonresident designated beneficiary, those amounts are considered Montana source income because the contributor previously received a Montana tax benefit for those deductions. Conversely, if a deduction is taken and the designated beneficiary makes a withdrawal that is not allowable, the tax benefit does not apply and would be subject to the recapture tax.

The purpose of (3) is to provide necessary contributor reporting and recordkeeping requirements to a designated beneficiary or agent so they are able to determine recapture taxes based on contributions by someone other than the designated beneficiary. The reporting and recordkeeping requirements for contributors are also necessary because the department cannot provide confidential tax information to the designated beneficiary or agent under state and federal law. HB 288 allows the department to collect withholding on any recapturable withdrawals from an account that is owned by a designated beneficiary who is no longer a Montana resident. To ensure the withholding is received, the department proposes (4) designating the agent as responsible for the withholding requirements in 53-25-118, MCA.

NEW RULE IV VERIFICATION OF ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACCOUNT CONTRIBUTIONS AND WITHDRAWALS

(1) Each program manager shall submit a report to the department via the state of Montana's secure file transfer service (or functional equivalent), by February 28 following the close of the preceding tax year which identifies all contributions and withdrawals for ABLE accounts of Montana resident designated beneficiaries. The report must also include contributions made to accounts of designated beneficiaries who were residents at the time the account was opened.

(2) The report must be in an electronic format sortable by the following contributor and designated beneficiary information:

- (a) full name;
- (b) last reported address;
- (c) social security number;
- (d) amount of the contributions;

(e) amount of the withdrawals (and to the extent that the Internal Revenue Service requires such information with respect to withdrawals, the portion constituting contributions and the portion constituting earnings); and

(f) a notation as to whether a distribution is a recapturable withdrawal, and if the withdrawal is made in violation of IRC 592A, when applicable.

(3) At the request of the department, a program manager shall provide complete copies of any other reports about accounts that it provides to either the Internal Revenue Service or to the Montana Department of Public Health and Human Services.

(4) Nothing in statute or rule prevents the department from directly contacting the contributor, designated beneficiary, or agent for the reporting information described herein.

AUTH: 15-1-201, 15-30-2620, 53-25-118, MCA

IMP: 15-30-2110, 53-25-118, MCA.

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes New Rule IV because prior to HB 288's amendments to the Act, recapture taxes were payable by an "account owner." HB 288 changed responsibility for the recapture tax to the designated beneficiary. New Rule IV proposes to require program managers file a report with the department so that it may receive information about account contributions and withdrawals. New Rule IV proposes requiring documentation of account contributions so that the department can verify they were reported properly on the contributor's tax return and to ensure that a recapture tax is paid.

If a program administrator fails to file a report with the department, the department reserves the right to directly contact those individuals with the necessary information (e.g., contributor, designated beneficiary, or agent) regarding contributions and withdrawals to ensure the contributor and designated beneficiary are compliant with 15-30-2110(12) and 53-25-118, MCA.

5. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

42.15.802 CONTRIBUTIONS TO FAMILY EDUCATION SAVINGS PROGRAM ACCOUNTS (1) The program administrator determines who can be an account owner and from whom it will accept contributions to an account. ~~More information regarding the administration of the program can be found at www.mfesp.com.~~ Account ownership and the acceptance of contributions are not necessarily related to the ability of the contributor to reduce Montana taxable income. ~~A person is not necessarily entitled to reduce their Montana adjusted gross income because they made a contribution or are an account owner.~~ Entitlement to the tax benefit deduction depends on meeting specific statutory requirements set forth in Title 15, chapter 62, MCA, and these rules.

(2) An individual, including a nonresident, ~~is allowed to~~ may reduce their Montana adjusted gross income by the lesser of the total contributions they actually make to one or more ~~Montana family education savings~~ accounts as provided in

15-30-2110 and 15-62-207, MCA, during the tax year, or \$3,000.

~~(a) Except as provided in (i), (ii), and (iii), a deduction is allowed only for contributions an individual makes to an account owned by the individual (or jointly with their spouse).~~

~~(i) Section 15-62-207, MCA, provides that a qualifying contribution can also be made to an account owned by the individual's child or stepchild if that child or stepchild is a Montana resident. The department interprets that provision to allow:~~

~~(A) a parent or stepparent to claim a deduction for an amount they contribute to an account owned by their minor child or stepchild as provided in (ii); and~~

~~(B) a parent or stepparent to claim a deduction for an amount they contribute to an account owned by their adult child or stepchild as provided in (iii).~~

~~(ii) If a parent or stepparent supplies the funds they use to establish an account under the Montana Uniform Transfers to Minors Act for which their minor child or stepchild is both the owner and designated beneficiary, and if the child or stepchild is a Montana resident, the parent or stepparent may elect to reduce their own Montana adjusted gross income by the amount they provided even if for other purposes the transaction would be treated as if they made a gift of cash to the child or stepchild who in turn contributed the money to a family education savings account they own entitling the child or stepchild to reduce the child or stepchild's Montana adjusted gross income.~~

~~(iii) If a parent or stepparent contributes funds to an account owned by their adult child or stepchild and if that adult child or stepchild is a Montana resident when the contribution is made, the contributor may claim a deduction for their contribution. It does not matter whether the designated beneficiary of the account is:~~

~~(A) the contributor's adult child or stepchild;~~

~~(B) a grandchild or other relative of the contributor;~~

~~(C) related to the account owner; or~~

~~(D) a resident or nonresident.~~

~~(b) The reduction in Montana adjusted gross income for a contribution can be claimed only for the tax year the contribution is made.~~

~~(c) An account owner is not required to be a resident and a nonresident may reduce their Montana adjusted gross income, if any, for their contributions to an account they own. Except as provided in (2)(a), however, contributions to an account, whether by a resident or nonresident, if made to an account they do not own, cannot reduce their own Montana adjusted gross income.~~

~~(3) For purposes of the \$3,000 reduction to Montana adjusted gross income, contributions must be made to a Montana family education savings account. Contributions made to other state or private family education savings accounts do not qualify for the Montana reduction to income.~~

~~(4) (3) A rollover from one account to another or from one 529 plan program to another state program is not a contribution for which a deduction may be claimed.~~

~~(5) (4) For Montana tax purposes, deductible contributions to a family education savings an account do not include the earnings on the account.~~

AUTH: 15-30-2620, MCA

IMP: 15-30-2110, 15-62-201, 15-62-207, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes striking rule text for brevity and removing the reference to the web address for the program because it is not maintained by the department, has changed several times since adoption of this rule, and requires rulemaking to change a web address. The department has also added text to specify programs and individuals subject to the rule's requirements and for improved clarity.

The department proposes revising (2) and striking (2)(a) through (c) because 15-30-2110(11) and 15-62-207, MCA, both provide clear guidance on who is eligible for a deduction for a contribution to a family education savings account.

The department proposes striking (3) because a Montana income tax deduction for other state qualified tuition plans are eligible for a deduction under 15-30-2110(11), MCA. This section requires updating because of contradictions with 15-30-2110(11), 15-62-207, MCA, and ARM 42.15.808(1).

42.15.803 WITHDRAWALS FROM FAMILY EDUCATION SAVINGS PROGRAM ACCOUNTS AND RECAPTURE TAX ~~(1) Earnings withdrawn from family education savings accounts, other than in a qualified withdrawal, must be included in the distributee's Montana adjusted gross income in the year withdrawn.~~

~~(2) The earnings portion of a qualified withdrawal is not included in Montana adjusted gross income.~~

(3) remains the same but is renumbered (1).

~~(4) Internal Revenue Code, 26 USC 529(c)(3) shall apply for purposes of determining what portion of a withdrawal is a withdrawal of contributions and what portion is a withdrawal of earnings.~~

(2) A rollover from one account to another or to an ABLE account is allowed under the same terms described under IRC 529. However, if the funds are rolled over to an account owned by an individual who is not a resident of Montana, then the amount rolled over is a recapturable withdrawal, which is defined in 15-62-208, MCA.

~~(5) (3)~~ A recapture tax at a rate equal to the highest rate of tax provided in 15-30-2103, MCA, is imposed on the ~~recoverable~~ recapturable withdrawal of contributions to a family education savings account deducted by the contributor. Except as provided in (10), ~~the~~ recapture tax is payable by the owner of the account from which the withdrawal was made even if the account owner did not make the deductible contribution. The account owner is liable for the tax even if the account owner is not a Montana resident at the time of the withdrawal.

(6) remains the same but is renumbered (4).

~~(7) (5)~~ The portion of a ~~recoverable~~ recapturable withdrawal that is not treated as the withdrawal of earnings shall be treated as:

(a) and (b) remain the same.

(8) remains the same but is renumbered (6).

~~(9) (7)~~ The taxpayer shall have the burden of sustaining a claim that all or a portion of the contributions withdrawn were not attributable to deductible contributions. There shall be a presumption that a ~~recoverable~~ recapturable withdrawal is a withdrawal of deductible contributions.

(8) A recapturable withdrawal of amounts that previously reduced Montana adjusted gross income under 15-30-2110(11), MCA, is Montana source income pursuant to 15-30-2101(18)(a)(xvi), MCA.

(9) Nonresidents are subject to the recapture tax under ARM 42.15.803 and 42.15.804.

(10) If the account is established under the Montana Uniform Transfers to Minors Act, and the minor is not yet 21 years of age, the custodian of that account is subject to any recapture tax on a recapturable withdrawal.

AUTH: 15-30-2620, 15-62-201, MCA

IMP: 15-30-2110, 15-62-201, 15-62-208, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes to amend ARM 42.15.803 to use the terms already defined in 15-62-201, MCA. The department proposes amendments in current (1), (2), and (4) to remove tax reporting requirements which are substantively redundant to those provided under IRC 529. The department has stricken the word "recoverable" and replaced it with "recapturable," because "recoverable" is a term of art not defined in statute, where 'recapturable' is defined in 15-62-208, MCA.

The department also proposes adding language to clarify that a rollover to an account owned by a nonresident is a recapturable withdrawal, subject to the recapture tax, which is consistent with statute.

Finally, the department proposes the addition of (8) through (10) to address the recapture tax as it relates to nonresidents and custodial accounts established under the Montana Uniform Transfers to Minors Act (UTMA). If nonresidents have previously claimed a deduction for an eligible contribution and a recapturable withdrawal occurred, they are subject to the recapture tax just as a resident. A minor that is an owner of a custodial account established under the UTMA does not have control over the account until the minor reaches the age of 21. The custodian of the account controls the account, and makes decisions related to withdrawals and contributions. The custodian, therefore, could make a recapturable withdrawal from the account without the account owner's knowledge.

42.15.804 VERIFICATION OF FAMILY EDUCATION SAVINGS PROGRAM ACCOUNT CONTRIBUTIONS AND WITHDRAWALS (1) Each program manager shall ~~provide~~ submit a report to the department ~~for each tax year a report via the state of Montana's secure file transfer service (or functional equivalent), by February 28 following the close of the preceding tax year which identifies~~ identifying all contributions and withdrawals made during such year to for family education savings accounts for which the account owner is, or was at the time the account was opened, a Montana resident. ~~Such~~ The report shall ~~must be submitted in an electronic format in an electronic form that may be sorted by names and social security numbers and shall be submitted within two months following the close of the year. The form shall include~~ sortable by the following information for each contributor, ~~and designated beneficiary, account owner, and distributee~~ the following:

(a) and (b) remain the same.

(c) ~~amount of the contributions~~ social security number; and

(d) ~~social security number~~ amount of the contributions;

(2) ~~Each program manager shall provide to the department for each tax year a report identifying all withdrawals made during such year from family education savings accounts during such year for which the account owner is, or was at the time the account was opened, a Montana resident. Such report shall be in electronic form that may be sorted by names and social security numbers of the account owners and the distributees, and shall be submitted within two months following the close of the year. The report shall include for each account owner and distributee the following:~~

~~(a) full name;~~

~~(b) last reported address;~~

~~(c) (e) amount of the withdrawals (and to the extent that the Internal Revenue Service requires such information with respect to withdrawals, the portion constituting contributions and the portion constituting earnings); and~~

~~(d) social security number; and~~

~~(e) (f) in the case of the account owner, a notation as to whether the distribution is an early or nonqualified withdrawal.~~

(3) (2) At the request of the department, ~~each~~ a program manager shall provide to the department complete copies of any other reports about accounts that it provides to either the Internal Revenue Service or the Montana Board of Regents. ~~These reports shall contain the same information and be provided in the same format as those provided to either the Internal Revenue Service or the Montana Board of Regents.~~

(4) (3) For purposes of this section, a A program manager shall report a withdrawal as an early withdrawal if the withdrawal is made within three years of the date that the account was opened ~~(unless the account was opened before April 1, 2001).~~

(5) (4) A program manager shall withhold the ~~potential~~ recapture tax from any ~~potentially recoverable~~ recapturable withdrawal from an account that was at any time owned by a resident of Montana but that at the time of the withdrawal is not owned by a person who is a resident of Montana. For purposes of this provision, the program manager shall ~~be entitled to~~ assume that the account owner's address is the last address that the account owner reported to the program manager.

(6) (5) Any ~~potential~~ recapture tax that is withheld shall be paid to the department not later than the last day of the month following the month in which such withholding occurred. A program manager shall have no liability to the department for failure to withhold ~~potential~~ recapture tax if such error was made in good faith.

(7) (6) A taxpayer who ~~desires to make~~ makes a ~~potentially recoverable~~ recapturable withdrawal, for which withholding would be required, may petition the department in writing to determine the ~~proper~~ amount of the ~~potential~~ recapture tax. The petition shall include all facts relevant to the proposed withdrawal, including information about the account and other accounts owned by the taxpayer and evidence to show that all or a portion of the contributions ~~component of the~~ potentially recoverable withdrawal is are not attributable to deductible previously

deducted contributions. If the department is satisfied with the evidence, it shall issue a letter determining the ~~potential~~ recapture tax to be withheld by the program manager.

(7) Nothing in statute or rule prevents the department from directly contacting the contributor, designated beneficiary, account owner, or distributee for the reporting information described herein.

AUTH: 15-30-2620, 15-62-201, MCA

IMP: 15-30-2110, 15-62-201, 15-62-208, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes to amend ARM 42.15.804 for brevity and improved clarity.

The department has updated (1) and (2) to specify a method and a date for the filing of the required report of contributions and withdrawals.

The department proposes to strike the terms "potential" and "potentially recoverable" in several places as the terms are proposed for removal in ARM 42.15.802 and 42.15.805.

The department proposes new (7) to reserve the right to directly contact the contributor, account owner, designated beneficiary, or distributee regarding contributions and withdrawals to ensure the contributor, account owner, designated beneficiary, and distributee are compliant with 15-30-2110(11), 15-62-207, and 15-62-208, MCA.

42.15.805 DEFINITIONS In addition to the terms ~~found~~ defined in 15-62-103, MCA, ~~which may be used in the rules of this subchapter,~~ the following definitions also apply to terms used in this subchapter:

(1) and (2) remain the same.

(3) "Distributee" means the account owner or designated beneficiary who withdraws the funds. If the account is established under the Montana Uniform Transfers to Minors Act, and the minor is not yet 21 years of age, the distributee is the custodian of that account.

~~(4) The "potential recapture tax" is the lesser of the:~~

~~(a) recapture tax that would be applicable if the potentially recoverable withdrawal were a recoverable withdrawal and the entire contributions component of the withdrawal (as reasonably determined by the program manager) were attributable to deductible contributions; or~~

~~(b) amount the department determines to be the potential recapture tax.~~

~~(5) A "potentially recoverable withdrawal" is any withdrawal that the program manager would be required to report under ARM 42.15.804 as an early withdrawal and any other withdrawal that the account owner did not certify to the program manager as a qualified withdrawal or a withdrawal on account of the death, disability, or scholarship of the designated beneficiary.~~

(6) (4) "Program" means the family education savings program established pursuant to the Act, or any other program established and maintained under another state that qualifies as a qualified tuition program under IRC 529.

(7) remains the same but is renumbered (5).

~~(8) "Recoverable withdrawal" means a nonqualified withdrawal, or a withdrawal from an account opened after April 30, 2001, if the withdrawal is made within three years of the date that the account was opened.~~

AUTH: 15-30-2620, 15-62-201, MCA

IMP: 15-30-2110, 15-62-103, 15-62-201, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity, the department proposes to amend ARM 42.15.805 to remove the definitions in (4), (5), and (8) because the terms are not necessary as they are included in 15-62-301 and 15-62-208, MCA. The use of the word "potential" is unnecessary as the recapture tax and recapturable withdrawal are defined in 15-62-103, MCA.

The department proposes to expand the definition of "distribute" to address family education savings accounts established under the Montana Uniform Transfers to Minors Act (UTMA). These accounts are owned by the minor, but the minor does not have control over the account until the age of 21. The custodian has control over the account and makes decisions related to withdrawals and contributions. The department feels that it is necessary to include the custodian in this definition, because the custodian is responsible for any distributions and withdrawals until the minor is aged 21.

The department also proposes to expand the definition of "program" in proposed (4) to more concisely address both the Montana family education savings program along with other states' qualified tuition programs, which are both eligible for the deduction and recapture tax under 15-30-2110(11), MCA.

6. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail todd.olson@mt.gov and must be received no later than December 21, 2020.

7. Todd Olson, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

8. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in number 6 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

9. An electronic copy of this notice is available on the department's web site at www.mtrevenue.gov, or through the Secretary of State's web site at sosmt.gov/ARM/register.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted by email on November 6, 2020.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption and amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Todd Olson

Todd Olson
Rule Reviewer

/s/ Shauna Helfert

Shauna Helfert
Deputy Director of Revenue

Certified to the Secretary of State November 10, 2020.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 42.25.1801 pertaining to	)	AMENDMENT
revisions to definitions of oil stripper)	
well bonus and stripper well	)	NO PUBLIC HEARING
exemption	)	CONTEMPLATED

TO: All Concerned Persons

1. The Department of Revenue proposes to amend the above-stated rule.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later 5:00 p.m. on November 27, 2020, to advise us of the nature of the accommodation you need. Please contact Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail todd.olson@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

42.25.1801 DEFINITIONS In addition to the definitions found in 15-36-303, MCA, the following definitions apply to terms used in this subchapter:

(1) through (10) remain the same.

(11) "Stripper well bonus" applies to wells producing an average of three barrels a day or less, and the average price received by a producer for their Montana production for a barrel of ~~west Texas intermediate~~ crude oil during a calendar quarter is equal to, or greater than, \$54 a barrel. ~~This~~ The average daily production is calculated by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year, by the number of producing wells in the lease or unitized area, and by dividing the resulting quotient by 365. The average price for a barrel is computed by dividing the sum of the total revenue received for all crude oil sold from wells within the state of Montana ~~daily price for west Texas intermediate crude oil~~ for the calendar quarter by the number of barrels sold ~~days on which the price was reported~~ in the quarter.

(12) "Stripper well exemption" applies to wells producing an average of three barrels a day or less, and the average price received by a producer for their Montana production for a barrel of ~~west Texas intermediate~~ crude oil during a calendar quarter is less than \$54 a barrel. ~~This~~ The average daily production is calculated by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365. The average price for a barrel is computed by dividing the sum of the ~~daily price for west Texas intermediate crude oil~~ total revenue received for all crude oil sold from wells

within the state of Montana for the calendar quarter by the number of days on which the price was reported barrels sold in the quarter.

(13) remains the same.

AUTH: 15-36-322, MCA

IMP: 15-1-101, 15-36-301, 15-36-302, 15-36-303, 15-36-304, 15-36-305, 15-36-309, 15-36-310, 15-36-311, 15-36-312, 15-36-313, 15-36-314, 15-36-315, 15-36-319, 15-36-321, 15-36-326, 82-1-111, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.25.1801 which is necessary for the department to implement legislative changes made to 15-36-304, MCA, under House Bill 213 (2019)(HB 213). HB 213 changed the price trigger for the reduced tax rates available for the stripper well bonus and the stripper well exemption. The availability of these rates depends on the actual price received by a producer instead of a posted index. The current definitions in (11) and (12) conflict with statute and require amendment for consistency. Each definition was reviewed and one additional minor change is proposed to improve clarity regarding the calculation of the average daily production.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail todd.olson@mt.gov and must be received no later than 5:00 p.m. December 21, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Todd Olson, at the above address, no later than 5:00 p.m. December 21, 2020.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be six persons based on the number of all oil and gas operators.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a different mailing preference is noted in the request. Such written request may be

mailed or delivered to the contact person in number 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this notice is available through the Secretary of State's web site at sosmt.gov/arm/register.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by email on July 16, 2019 and on November 10, 2020.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Shauna Helfert
Shauna Helfert
Deputy Director of Revenue

Certified to the Secretary of State November 10, 2020.

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 44.12.204 pertaining to the	)	AMENDMENT
payment threshold--inflation)	
adjustment for lobbyists	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On December 20, 2020, the Commissioner of Political Practices proposes to amend the above-stated rule.

2. The Commissioner of Political Practices will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Commissioner of Political Practices no later than 5:00 p.m. on December 14, 2020, to advise us of the nature of the accommodation that you need. Please contact Scott Cook, Commissioner of Political Practices, P.O. Box 202401, 1209 Eighth Avenue, Helena, Montana, 59620-2401; telephone (406) 444-2942; fax (406) 444-1643; or e-mail scook3@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

44.12.204 PAYMENT THRESHOLD--INFLATION ADJUSTMENT

(1) Pursuant to the operation specified in 5-7-112, MCA, the adjusted payment threshold for calendar years ~~2019 and 2020 is \$2,600~~ 2021 and 2022 is \$2,650.

AUTH: 5-7-111, MCA
IMP: 5-7-112, MCA

Reasonable Necessity: Section 5-7-112, MCA, requires the Commissioner of Political Practices, following the general election, to adjust the payment threshold amount for reporting of lobbying-related expenses based on application of an inflation factor specified in that statute. There is reasonable necessity for the amendment of the rule because 5-7-112, MCA, requires the Commissioner of Political Practices to publish the revised threshold as a rule.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Scott Cook, Commissioner of Political Practices, P.O. Box 202401, 1209 Eighth Avenue, Helena, Montana, 59620-2401; telephone (406) 444-2942; fax (406) 444-1643; or e-mail scook3@mt.gov, and must be received no later than 5:00 p.m., December 18, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Scott Cook at the above address no later than 5:00 p.m., December 18, 2020.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 39 persons based on the 397 lobbyists who registered to lobby in 2019-2020.

7. The commissioner maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available on the Commissioner of Political Practice's website at politicalpractices.mt.gov or through the Secretary of State's website at <http://sosmt.gov/ARM/Register>.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the commissioner has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Jaime MacNaughton
Jaime MacNaughton
Rule Reviewer

/s/ Jeffrey Mangan
Jeffrey Mangan
Commissioner

Certified to the Secretary of State November 10, 2020.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 2.59.104 and 2.59.401 pertaining)
to semiannual assessment for banks)
and credit unions)

TO: All Concerned Persons

1. On October 9, 2020, the Department of Administration published MAR Notice No. 2-59-609 pertaining to the proposed amendment of the above-stated rules at page 1786 of the 2020 Montana Administrative Register, Issue Number 19.

2. The department received one comment in response to the proposal notice. The comment and the department's response are set forth below:

COMMENT #1: The department received a comment in support of the proposal.

RESPONSE #1: The department appreciates the comment.

3. The department has amended ARM 2.59.104 and 2.59.401 exactly as proposed.

By: /s/ John Lewis
John Lewis, Director
Department of Administration

By: /s/ Don Harris
Don Harris, Rule Reviewer
Department of Administration

Certified to the Secretary of State November 10, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF ADOPTION,
Rules I through X, the amendment of	)	AMENDMENT, AND REPEAL
ARM 10.53.101 and 10.54.2501, and)	
the repeal of ARM Title 10, chapter)	
54, subchapters 75 and 76 pertaining)	
to technology integration content)	
standards)	

TO: All Concerned Persons

1. On August 7, 2020, the Board of Public Education published MAR Notice No. 10-53-137 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 1380 of the 2020 Montana Administrative Register, Issue Number 15.

2. The board has adopted the following new rules as proposed:

NEW RULE I	ARM 10.53.1301	MONTANA CONTENT STANDARDS FOR TECHNOLOGY INTEGRATION FOR K-12
NEW RULE II	ARM 10.53.1302	CONTENT STANDARDS FOR TECHNOLOGY INTEGRATION FOR KINDERGARTEN
NEW RULE III	ARM 10.53.1303	CONTENT STANDARDS FOR TECHNOLOGY INTEGRATION FOR FIRST GRADE
NEW RULE IV	ARM 10.53.1304	CONTENT STANDARDS FOR TECHNOLOGY INTEGRATION FOR SECOND GRADE
NEW RULE V	ARM 10.53.1305	CONTENT STANDARDS FOR TECHNOLOGY INTEGRATION FOR THIRD GRADE
NEW RULE VI	ARM 10.53.1306	CONTENT STANDARDS FOR TECHNOLOGY INTEGRATION FOR FOURTH GRADE
NEW RULE VII	ARM 10.53.1307	CONTENT STANDARDS FOR TECHNOLOGY INTEGRATION FOR FIFTH GRADE
NEW RULE VIII	ARM 10.53.1308	CONTENT STANDARDS FOR TECHNOLOGY INTEGRATION FOR SIXTH THROUGH EIGHTH GRADE
NEW RULE IX	ARM 10.53.1309	CONTENT STANDARDS FOR TECHNOLOGY INTEGRATION FOR NINTH THROUGH TWELFTH GRADE

NEW RULE X ARM 10.55.2301 TECHNOLOGY INTEGRATION
PROGRAM DELIVERY STANDARDS

3. The board has amended ARM 10.53.101 and 10.54.2501 as proposed.
4. The board has repealed ARM Title 10, chapter 54, subchapters 75 and 76 as proposed.
5. The board invited comments and testimony but did not receive any comments.
6. The effective date of these rules is July 1, 2021.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Darlene Schottle
Darlene Schottle
Chair
Board of Public Education

Certified to the Secretary of State November 10, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW	)	NOTICE OF ADOPTION AND
RULES I through IX and the repeal of	)	REPEAL
ARM 10.54.8010 through 10.54.8013,)	
10.54.8020 through 10.54.8023,)	
10.54.8030 through 10.54.8033,)	
10.54.8040 through 10.54.8043,)	
10.54.8050 through 10.54.8053,)	
10.54.8087 through 10.54.8098,)	
10.54.9510 through 10.54.9513,)	
10.54.9520 through 10.54.9523,)	
10.54.9530 through 10.54.9533,)	
10.54.9540 through 10.54.9543,)	
10.54.9550 through 10.54.9553,)	
10.54.9560 through 10.54.9563, and)	
10.54.9587 through 10.54.9598,)	
pertaining to K-12 Career and)	
Technical Education content)	
standards)	

TO: All Concerned Persons

1. On August 7, 2020, the Board of Public Education published MAR Notice No. 10-54-134 pertaining to the public hearing on the proposed adoption and repeal of the above-stated rules at page 1398 of the 2020 Montana Administrative Register, Issue Number 15.

2. The board has adopted the following new rules as proposed:

NEW RULE I	ARM 10.53.1001	MONTANA CONTENT STANDARDS FOR CAREER AND TECHNICAL EDUCATION
NEW RULE II	ARM 10.53.1002	CAREER AND TECHNICAL EDUCATION STANDARDS FOR KINDERGARTEN
NEW RULE III	ARM 10.53.1003	CAREER AND TECHNICAL EDUCATION STANDARDS FOR FIRST GRADE
NEW RULE IV	ARM 10.53.1004	CAREER AND TECHNICAL EDUCATION STANDARDS FOR SECOND GRADE
NEW RULE V	ARM 10.53.1005	CAREER AND TECHNICAL EDUCATION STANDARDS FOR THIRD GRADE
NEW RULE VI	ARM 10.53.1006	CAREER AND TECHNICAL EDUCATION STANDARDS FOR FOURTH GRADE
NEW RULE VII	ARM 10.53.1007	CAREER AND TECHNICAL EDUCATION STANDARDS FOR FIFTH GRADE

NEW RULE VIII	ARM 10.53.1008	CAREER AND TECHNICAL EDUCATION STANDARDS FOR SIXTH THROUGH EIGHTH GRADE
NEW RULE IX	ARM 10.53.1009	CAREER AND TECHNICAL EDUCATION STANDARDS FOR NINTH THROUGH TWELFTH GRADE

3. The board has repealed ARM 10.54.8010 through 10.54.8013, 10.54.8020 through 10.54.8023, 10.54.8030 through 10.54.8033, 10.54.8040 through 10.54.8043, 10.54.8050 through 10.54.8053, 10.54.8087 through 10.54.8098, 10.54.9510 through 10.54.9513, 10.54.9520 through 10.54.9523, 10.54.9530 through 10.54.9533, 10.54.9540 through 10.54.9543, 10.54.9550 through 10.54.9553, 10.54.9560 through 10.54.9563, and 10.54.9587 through 10.54.9598 as proposed.

4. The board invited comments and testimony but did not receive any comments.

5. The effective date of these rules is July 1, 2021.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Darlene Schottle
Darlene Schottle
Chair
Board of Public Education

Certified to the Secretary of State November 10, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF ADOPTION
RULES I through X)
pertaining to K-12 Computer Science)
content standards)

TO: All Concerned Persons

1. On August 7, 2020, the Board of Public Education published MAR Notice No. 10-55-135 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 1416 of the 2020 Montana Administrative Register, Issue Number 15.

2. The board has adopted the following new rules as proposed:

NEW RULE I	ARM 10.53.1101	MONTANA CONTENT STANDARDS FOR COMPUTER SCIENCE
NEW RULE II	ARM 10.53.1102	COMPUTER SCIENCE CONTENT STANDARDS FOR KINDERGARTEN
NEW RULE III	ARM 10.53.1103	COMPUTER SCIENCE CONTENT STANDARDS FOR FIRST GRADE
NEW RULE IV	ARM 10.53.1104	COMPUTER SCIENCE CONTENT STANDARDS FOR SECOND GRADE
NEW RULE V	ARM 10.53.1105	COMPUTER SCIENCE CONTENT STANDARDS FOR THIRD GRADE
NEW RULE VI	ARM 10.53.1106	COMPUTER SCIENCE CONTENT STANDARDS FOR FOURTH GRADE
NEW RULE VII	ARM 10.53.1107	COMPUTER SCIENCE CONTENT STANDARDS FOR FIFTH GRADE
NEW RULE VIII	ARM 10.53.1108	COMPUTER SCIENCE CONTENT STANDARDS FOR SIXTH THROUGH EIGHTH GRADE
NEW RULE IX	ARM 10.53.1109	COMPUTER SCIENCE CONTENT STANDARDS FOR NINTH THROUGH TWELFTH GRADE
NEW RULE X	ARM 10.55.2201	COMPUTER SCIENCE PROGRAM DELIVERY STANDARDS

3. The board invited comments and testimony but did not receive any comments.

4. The effective date of these rules is July 1, 2021.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Darlene Schottle
Darlene Schottle
Chair
Board of Public Education

Certified to the Secretary of State November 10, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF ADOPTION,
Rules I through IX, the amendment of	)	AMENDMENT, AND REPEAL
ARM 10.55.1801, and the repeal of)	
ARM Title 10, chapter 54,)	
subchapters 65 and 66 pertaining to)	
library media content standards)	

TO: All Concerned Persons

1. On August 7, 2020, the Board of Public Education published MAR Notice No. 10-55-136 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 1428 of the 2020 Montana Administrative Register, Issue Number 15.

2. The board has adopted the following new rules as proposed:

NEW RULE I	ARM 10.53.1201	MONTANA CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR K-12
NEW RULE II	ARM 10.53.1202	CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR KINDERGARTEN
NEW RULE III	ARM 10.53.1203	CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR FIRST GRADE
NEW RULE IV	ARM 10.53.1204	CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR SECOND GRADE
NEW RULE V	ARM 10.53.1205	CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR THIRD GRADE
NEW RULE VI	ARM 10.53.1206	CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR FOURTH GRADE
NEW RULE VII	ARM 10.53.1207	CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR FIFTH GRADE
NEW RULE VIII	ARM 10.53.1208	CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR SIXTH THROUGH EIGHTH GRADE
NEW RULE IX	ARM 10.53.1209	CONTENT STANDARDS FOR LIBRARY MEDIA AND INFORMATION LITERACY FOR NINTH THROUGH TWELFTH GRADE

3. The board has amended ARM 10.55.1801 as proposed.

4. The board has repealed ARM Title 10, chapter 54, subchapters 65 and 66 as proposed.

5. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT 1: Dr. Ann Ewbank, Montana State University-Bozeman, spoke as a proponent of the standards. Dr. Ewbank discussed her involvement on the negotiated rulemaking committee and in writing the standards. Dr. Ewbank noted that the standards incorporate the 2017 National Library Media and Literacy Standards as well as Indian Education for All, which is specific to Montana. Dr. Ewbank thanked the superintendent and everyone who worked to update the standards and asked for the board's approval of the newly revised standards.

RESPONSE 1: The board thanks Dr. Ewbank for her comments and for her work and involvement on the committee and in the writing of the new standards.

COMMENT 2: Ms. Amy Andreas, Browning Public Schools Librarian, provided written comment in support of the new standards and concurs with Dr. Ewbank's comments.

RESPONSE 2: The board thanks Ms. Andreas for her comments and support of the standards.

COMMENT 3: Mr. Gavin Woltjer, President of the Montana Library Association, provided written comments in support of the new standards noting all the hard work the committee put into writing the standards, and stating the standards provide "rigorous dedication to quality and future-ready school librarianship" and are aligned with the 2017 National Standards, setting the stage for years to come..

RESPONSE 3: The board thanks Mr. Woltjer for his support and for his dedication and work in helping write the standards.

6. The effective date of these rules is July 1, 2021.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Darlene Schottle
Darlene Schottle
Chair
Board of Public Education

Certified to the Secretary of State November 10, 2020.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW	)	NOTICE OF ADOPTION,
RULES I through IX, the amendment	)	AMENDMENT, AND
of ARM 10.55.1601, and the repeal of	)	REPEAL
ARM 10.54.6010 through 10.54.6013,)	
10.54.6020 through 10.54.6023,)	
10.54.6030 through 10.54.6033,)	
10.54.6040 through 10.54.6043,)	
10.54.6050 through 10.54.6053,)	
10.54.6060 through 10.54.6063, and)	
10.54.6087 through 10.54.6098,)	
pertaining to K-12 social studies)	
content standards)	

TO: All Concerned Persons

1. On August 7, 2020, the Board of Public Education published MAR Notice No. 10-55-138 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 1446 of the 2020 Montana Administrative Register, Issue Number 15.

2. The board has adopted the following new rules as proposed:

NEW RULE I	ARM 10.53.901	Montana Content Standards for Social Studies
NEW RULE II	ARM 10.53.902	Social Studies Content Standards for Kindergarten
NEW RULE III	ARM 10.53.903	Social Studies Content Standards for First Grade
NEW RULE IV	ARM 10.53.904	Social Studies Content Standards for Second Grade
NEW RULE V	ARM 10.53.905	Social Studies Content Standards for Third Grade
NEW RULE VI	ARM 10.53.906	Social Studies Content Standards for Fourth Grade
NEW RULE VII	ARM 10.53.907	Social Studies Content Standards for Fifth Grade
NEW RULE VIII	ARM 10.53.908	Social Studies Content Standards for Sixth through Eighth Grade
NEW RULE IX	ARM 10.53.909	Social Studies Content Standards for Ninth through Twelfth Grade

3. The board has amended ARM 10.55.1601 as proposed.

4. The board has repealed ARM 10.54.6010 through 10.54.6013, 10.54.6020 through 10.54.6023, 10.54.6030 through 10.54.6033, 10.54.6040 through 10.54.6043, 10.54.6050 through 10.54.6053, 10.54.6060 through 10.54.6063, and 10.54.6087 through 10.54.6098 as proposed.

5. The board has thoroughly considered the comments and testimony received. A summary of the comments received, and the board's responses are as follows:

COMMENT 1: Mr. Dylan Huisken, former Montana Teacher of the Year, spoke as a proponent of the Social Studies standards. Mr. Huisken noted he was involved in the writing of the standards and was impressed with the level of commitment from the Office of Public Instruction, education partners, and teachers, and believes these standards are well written and a step in the right direction.

RESPONSE 1: The board thanks Mr. Huisken for his work in writing the standards, and for his comments in support of the proposed standards.

6. The effective date of these rules is July 1, 2021.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Darlene Schottle
Darlene Schottle
Chair
Board of Public Education

Certified to the Secretary of State November 10, 2020.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 24.101.402 definitions and the) ADOPTION
adoption of New Rule I applicants with)
criminal convictions)

TO: All Concerned Persons

1. On October 9, 2020, the Department of Labor and Industry (department) published MAR Notice No. 24-101-309 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1821 of the 2020 Montana Administrative Register, Issue No. 19.

2. On November 5, 2020, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. One comment was received by the November 6, 2020 deadline.

3. A summary of the comment and the department's response are as follows:

COMMENT 1: One commenter requested the department amend the reference in NEW RULE I(4)(c) (ARM 24.101.406) of "submission date" to "application date." The commenter stated this language is consistent with similar time parameters in (5)(a) and (b) and will reduce ambiguity in this rule.

RESPONSE 1: The department agrees and is amending the rule accordingly.

4. The department has amended ARM 24.101.402 exactly as proposed.

5. The department has adopted NEW RULE I (24.101.406) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I (24.101.406) APPLICANTS WITH CRIMINAL CONVICTIONS
(1) through (4)(b) remain as proposed.
(c) misdemeanor driving violations, including driving under the influence, if sentenced more than five years before ~~the submission date~~ of the application date.
(5) through (7) remain as proposed.

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ BRENDA NORDLUND
Brenda Nordlund, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 10, 2020.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF ADOPTION
RULE I pertaining to recalls)

TO: All Concerned Persons

1. On August 7, 2020, the Department of Livestock published MAR Notice No. 32-18-293 regarding the proposed adoption of the above-stated rule at page 1468 of the 2020 Montana Administrative Register, Issue Number 15.

2. The department has adopted NEW RULE I (ARM 32.6.716) as proposed.

3. No comments or testimony were received.

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Director
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State November 10, 2020.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.104.601, 37.104.604,)
37.104.606, 37.104.615, and)
37.104.616 pertaining to automated)
external defibrillators (AED))

TO: All Concerned Persons

1. On October 9, 2020, the Department of Public Health and Human Services published MAR Notice No. 37-931 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1826 of the 2020 Montana Administrative Register, Issue Number 19.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.
4. These rule amendments are effective upon adoption.

/s/ Robert Lishman
Robert Lishman
Rule Reviewer

/s/ Erica Johnston for Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State November 10, 2020.

BEFORE THE DEPARTMENT OF PUBLIC SERVICE REGULATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 38.5.8401 and 38.5.8408)
pertaining to Small Generator)
Interconnection definitions and)
procedures)

TO: All Concerned Persons

1. On April 17, 2020, the Department of Public Service Regulation (department) published MAR Notice No. 38-5-245 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 651 of the 2020 Administrative Register, Issue Number 7. On May 29, 2020, the department published a Notice of Revised Public Hearing Procedures on Proposed Amendment at page 955 of the 2020 Montana Administrative Register, Issue Number 10. The Revised Public Hearing Procedures Notice indicated that due to the ongoing state of emergency in Montana involving the coronavirus, the previously scheduled in-person hearing on the proposed amendment would be conducted electronically.

2. On June 2, 2020, a public hearing was held electronically on the proposed amendment of the above-stated rules. Several comments were received by the June 5, 2020, deadline.

3. The department has thoroughly considered the comments received. A summary of the comments and the department responses are as follows:

COMMENT 1: One commenter stated that the department is without authority to define the term premises, as the department began the rulemaking process in reference to the 2017 Montana Legislature's Senate Bill 11, which provides the department with authority to promulgate rules to ensure public safety and net metering reliability. Another commenter noted that ARM 38.5.8401 was adopted to facilitate implementation of Section 1254 of the Electricity Modernization Act of 2005, not Title 69, chapter 8, MCA.

RESPONSE 1: The department disagrees with the comments. Section 69-8-403, MCA provides that the department may promulgate any other rules necessary to carry out the provision of Title 69, chapter 8, MCA. The net metering statutes are provided in part 6 of chapter 8. This statute appropriately vests the department with rulemaking authority to define premises. Collateral authority in 69-8-604(2), and 69-3-103, MCA may also be appropriate.

COMMENT 2: One commenter proposed that premises should be defined as the customer-generator's service address in the utility's billing system with net metering system(s) that in aggregate do not exceed 50 kW in capacity. Another commenter stated the definition of premises should be the area that is owned, operated, or

leased by the customer-generator that is served by each metered electrical service. One net metering system with a nameplate capacity that does not exceed 50 kW-AC is permitted per metered electrical service on a premises. A third commenter stated that the definition of premises should be a tract of land with the same physical service address as that used to identify a service location within the company's billing system. A premises may include multiple services (meters). A fourth commenter wanted the definition of premises to allow for the flexibility to have a net metering system spread across multiple buildings in cases such as a 100-unit apartment development spread across eight buildings.

RESPONSE 2: In response to comments, the department has changed the definition of premises to a customer-generator's service address that is identified in a utility's billing system and that, in the case of net metering systems, is limited to one net metering system, with a maximum nameplate capacity of 50 kW, for each classification of electric service that is provided by the utility at that address. The first clause of the department's approved definition applies to all small generator facilities, while the text that follows is specific to net metering systems. Montana statute does not define premises or specify how many net metering systems a customer-generator may interconnect to the utility, so the department adopted some of the language proposed by commenters while adhering to the provisions of Montana's net metering statute.

The department provides the following examples for how it interprets the definition of premises:

- A school district that has several service addresses in a utility's billing system may have one net-metering system per service address.
- A school district that has multiple buildings at one service address may only install one net-metering system.
- A multi-unit apartment building may have one net-metering system per unit for each unit that has a unique service address.
- If a premises has two classifications of service—for example a farm or school district receiving irrigation and residential services at one service address—each classification may have its own net-metering system, and each of those systems may not exceed 50 kW in nameplate capacity.

COMMENT 3: One commenter stated that the department's proposed definition of small generator facility should be amended to allow for storage-only facilities.

RESPONSE 3: The department concurs and amends the definition of small generator facility to mean an energy resource(s) for the production and/or storage of electricity that has an aggregate nameplate capacity that is less than or equal to 10 MW and is designed to operate in parallel with the electric distribution system.

COMMENT 4: Several commenters stated that utilities currently do not collect the information required in the previously proposed ARM 38.5.8408(12)(c) of the reporting requirements and that gathering the information would be burdensome.

RESPONSE 4: The department agrees with the comments. The department removed ARM 38.5.8408(12)(c) of the reporting requirements from the rulemaking.

COMMENT 5: Several commenters stated that the previously proposed ARM 38.5.8408(12)(d) (now the new (12)(c) after the previously proposed (12)(c) was deleted) of the reporting requirements was unclear and that utilities did not need to be monitoring behind-the-meter generation. The commenters stated that (12)(d) should be clarified to require only information on the amount of energy exported to the utility's system.

RESPONSE 5: The department agrees with the comments. The department amended the reporting requirement in the previously proposed (12)(d) (now (12)(c)) to read, the total amount of generation exported to the utility's system for the 12-month period ending December 31 of the prior year, including the amount of distributed energy generation exported to the utility's system, tabulated by resource type.

4. The department has amended the following rules as proposed with the following changes from the original proposal, new matter underlined, deleted matter interlined:

38.5.8401 DEFINITIONS Terminology used in these rules has the following meanings, except where the context clearly indicates otherwise:

(1) through (17) remain as proposed.

(18) "Premises" means the customer-generator's ~~real property served by each metered electrical service. Only one net metering system, with an aggregate nameplate capacity that does not exceed 50 kW, is permitted per premises.~~ service address that is identified in a utility's billing system and that, in the case of net metering systems, is limited to one net metering system, with a maximum nameplate capacity of 50 kW, for each classification of electric service that is provided by the utility at that service address.

(19) remains as proposed.

(20) "Small Generator Facility" means an energy resource(s) for the production, and/or storage and production, of electricity that has an aggregate nameplate capacity that does not exceed 10 MW, and is designed to operate in parallel with the electric distribution system.

AUTH: 69-3-103, MCA

IMP: 69-3-102, MCA

38.5.8408 ADDITIONAL REQUIREMENTS (1) through (11) remain as proposed.

(12) Each utility subject to these rules must file with the commission an annual report detailing:

(a) and (b) remain as proposed.

~~(c) the number of frequency or voltage events on the EDS side of the system that required interconnections at Level 1 to trip;~~

~~(d)~~ (c) the total amount of generation exported to the utility's system for the twelve-month period ending December 31 of the prior year, including amount of distributed energy resource generation ~~broken out~~ exported to the utility's system, tabulated by resource type; and

~~(e)~~ (d) the average time of approval for small generator interconnection requests at Level 1.

AUTH: 69-3-103, MCA

IMP: 69-3-102, MCA

/s/ JUSTIN KRASKE

Justin Kraske
Rule Reviewer

/s/ BOB LAKE

Bob Lake
Chairman
Department of Public Service Regulation

Certified to the Secretary of State November 10, 2020.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee:

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

Education and Local Government Interim Committee:

- State Board of Education;
- Board of Public Education;
- Board of Regents of Higher Education; and
- Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

Environmental Quality Council:

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

Water Policy Interim Committee (where the primary concern is the quality or quantity of water):

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions:

Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is an online publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding Register.

Use of the Administrative Rules of Montana (ARM):

Known
Subject

1. Consult ARM Topical Index.
Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.

RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 2020. This table includes notices in which those rules adopted during the period May 29, 2020, through November 6, 2020, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 2020, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2020 Montana Administrative Register.

To aid the user, this table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

ADMINISTRATION, Department of, Title 2

2-13-605	Next Generation 9-1-1 Technology Standards and Baseline Principles, p. 1719, 1857
2-59-596	Banking - Bank Branches - Limitations on Loans - Bank Branch Relocations, p. 1296, 1698
2-59-600	Semiannual Assessment for Banks, p. 1039, 1515
2-59-602	Report Due Dates for Mortgage Servicers - When Initial Mortgage License Applications Are Deemed Abandoned, p. 1247, 1615
2-59-603	Adoption of Model Bylaws and Statutory Reference, p. 1316, 1704
2-59-604	Designated Manager Supervisory Requirements, p. 1544, 1835
2-59-606	Renewal Fees of Mortgage Brokers, Mortgage Lenders, Mortgage Servicers, and Mortgage Loan Originators, p. 1547, 1836
2-59-609	Semiannual Assessment for Banks and Credit Unions, p. 1786

(Public Employees' Retirement Board)

2-43-594	Investment Policy Statements for the Defined Contribution Retirement Plan and the 457(b) Deferred Compensation Plan, p. 347, 1117
2-43-601	Adoption by Reference of the State of Montana Public Employee Defined Contribution Plan Document and the Public Employee Deferred Compensation (457) Plan Document, p. 1035, 1614

AGRICULTURE, Department of, Title 4

- 4-20-266 Restricted Weed Seeds, p. 514, 1018
- 4-20-267 Commodity Dealer Licenses, p. 517, 1019
- 4-20-268 Violations in Commodity Reporting, p. 1042, 1837
- 4-20-269 Montana Hemp Research and Market Development Program, p. 1319, 2079
- 4-20-270 Hemp, p. 1946

STATE AUDITOR, Office of, Title 6

- 6-250 Securities Regulation - Filings - Securities Exemptions - Fraudulent and Unethical Practices - Broker-Dealers and Investment Advisers - Transactional Exemption, p. 719, 1874
- 6-261 Surety Insurance Producers Who Sell, Solicit, or Negotiate Commercial Bail Bonds, p. 739, 1860

(Classification Review Committee)

- 6-262 Establishment, Deletion, or Revision of Classifications for Various Industries for Supplementing the NCCI Basic Manual for Workers' Compensation and Employers Liability Insurance, p. 1014, 1734

COMMERCE, Department of, Title 8

- 8-94-183 Administration of the CDBG Program, p. 523, 956
- 8-94-184 Administration of the 2021 Biennium Federal Community Development Block Grant (CDBG) Program—Planning Grants, p. 1378, 1735

EDUCATION, Title 10

(Board of Public Education)

- 10-53-137 Technology Integration Content Standards, p. 1380
- 10-54-134 K-12 Career and Technical Education Content Standards, p. 1398
- 10-55-135 K-12 Computer Science Content Standards, p. 1416
- 10-55-136 Library Media Content Standards, p. 1428
- 10-55-138 K-12 Social Studies Content Standards, p. 1446

(Office of Public Instruction)

- 10-13-133 Traffic Education, p. 939, 1281

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12-529 Closing Bird Island on Flathead Lake in Lake County, p. 1616
- 12-530 Closing the Shields River to All Motorized Watercraft, p. 1690
- 12-532 Closing Spring Meadow Lake State Park in Lewis and Clark County, p. 1705
- 12-536 Closing Clark's Lookout State Park in Beaverhead County, p. 1877

(Fish and Wildlife Commission)

- 12-531 Recreational Use on the Madison River, p. 1722
- 12-534 Closing the Boulder River to All Motorized Watercraft, p. 1953
- 12-535 Use of Remote-Controlled Devices and Drones While Fishing, p. 1956

GOVERNOR, Office of, Title 14

- 14-7 Energy Supply Emergency Rules, p. 136, 1322

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17-406 Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) Waste, p. 1239, 159, 1118
- 17-409 Wind Generation Facility and Solar Facility Decommissioning and Bonding, p. 231, 957
- 17-410 Incorporation by Reference - Definitions - Asbestos Project Permits - Training Provider Requirements - Fees - Refunds, p. 354, 525, 633, 1150, 1325

(Board of Environmental Review)

- 17-411 MPDES Program Updates, p. 750, 942, 1879
- 17-412 Natural and Nonanthropogenic Water Quality Standards, p. 765, 944, 1618
- 17-413 Air Quality Operation Fees, p. 1550
- 17-414 Selenium Standards for Lake Koocanusa and the Kootenai River, p. 1789

TRANSPORTATION, Department of, Title 18

- 18-180 Motor Carrier Services Safety Requirements, p. 769, 1020
- 18-181 MDT Employee Grievance Procedures, p. 840, 1045, 1516
- 18-182 Motor Carrier Services, p. 1251, 1626
- 18-183 Motor Fuels Tax, p. 1795

CORRECTIONS, Department of, Title 20

(Board of Pardons and Parole)

- 20-25-70 Parole Guidelines - Conditional Discharge From Supervision, p. 1556, 1693

JUSTICE, Department of, Title 23

- 23-18-249 Montana 24/7 Sobriety Program Act, p. 1804

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order by chapter following the department notices.

- 24-2-361 Commissioner's Active Supervision of the Board of Professional Engineers and Professional Land Surveyors Regarding a Proposed Rule Adding Experience With the Public Land Survey System, p. 1461
- 24-11-360 Unemployment Insurance Benefits Related to the COVID-19 Pandemic, p. 1264, 1628
- 24-13-366 HELP-Link, p. 1958
- 24-17-363 Prevailing Wage Rates for Public Works Projects, p. 1862
- 24-21-362 Apprenticeship and Training Program, p. 1964
- 24-22-368 Implementation of the Montana Employment Advancement Right Now Program Act, p. 1969
- 24-29-354 Medical Fee Schedules for Workers' Compensation Purposes, p. 634, 1021
- 24-29-364 Drug Formulary in the Utilization and Treatment Guidelines for Workers' Compensation and Occupational Disease, p. 2030
- 24-29-365 Reimbursement of Workers' Compensation Premiums Due to Providing High-Quality Work-Based Learning Opportunities, p. 2033
- 24-101-308 Registration for Out-of-State Volunteer Professionals, p. 946, 1326
- 24-101-309 Definitions - Applicants With Criminal Convictions, p. 1821
- 24-301-348 Underground Facility Protection Program - Assessment and Collection of Civil Penalties - Collection of Annual Fees - Disputes Regarding Penalties and Fines—Mediation - Training and Educational Grants, p. 1463, 1572, 1840

(Board of Personnel Appeals)

- 24-26-353 Practices of and Procedures Before the Board of Personnel Appeals, p. 1977

(Board of Chiropractors)

- 24-126-37 Continuing Education Requirements - Acceptable Continuing Education - Dry Needling, p. 638, 1737

(Board of Dentistry)

- 24-138-78 Approved Clinical Exam Criteria for Dentists and Dental Hygienists - Specialty Advertising - Dental Hygienists—Temporary Practice Permits, p. 1268, 1631

(Board of Massage Therapy)

- 24-155-8 Licensure of Out-of-State Applicants - Unprofessional Conduct - Records - Standards of Practice, p. 9, 247, 1327

(Board of Medical Examiners)

- 24-156-87 Definitions - Training of Student Physician Assistants - Application for Physician Assistant License - Physician Assistant Fees - Reporting to the Board - Supervision of Physician Assistant - Patient Rights - Unprofessional Conduct - Management of Infectious Wastes - Physician Assistant License Renewal, p. 1561
- 24-156-88 ECP Training Courses, p. 644, 963
- 24-156-89 ECP Scope of Practice, p. 1838
- 24-156-90 ECP Scope of Practice, p. 1866

(Board of Nursing)

- 24-159-91 Curriculum Goals and General Requirements for Programs, p. 648, 965

(Board of Outfitters)

- 24-171-40 Outfitter Records - Safety and First Aid Provisions - Operations Plans and Amendments - Unprofessional Conduct and Misconduct, p. 28, 262, 1157

(Board of Psychologists)

- 24-189-41 Fee Schedule - Psychologist Application Procedures - Examination - Temporary Permit - Behavior Analyst Experience and Supervision, p. 1272, 2081

(Board of Behavioral Health)

- 24-219-35 Application and Licensing Rules for Licensed Clinical Social Workers (LCSW), Licensed Baccalaureate Social Workers (LBSW), Licensed Master's Social Workers (LMSW), Licensed Clinical Professional Counselors (LCPC), Licensed Marriage and Family Therapists (LMFT), Licensed Addiction Counselors (LAC), and Certified Behavioral Health Peer Support Specialists (CBHPSS), p. 278, 1517

(Board of Veterinary Medicine)

- 24-225-41 Definitions - Patient Medical Records and Recordkeeping - Unprofessional Conduct - Continuing Education - Certified Euthanasia Technicians—License Requirements - Board-Approved Training Program Criteria - Certified Euthanasia Technician Examinations—Written and Practical - Application for Certified Euthanasia Agencies - Inspections—Initial and Annual - Continuing Education— Certified Euthanasia Technicians - Certified Euthanasia Agency Operation Standards - Change of Attorney-in-Fact - Closure of a Certified Euthanasia Agency or Loss of DEA Permit - Termination of Certified Euthanasia Technician Employment and Retirement of Certificate, p. 440, 1633

LIVESTOCK, Department of, Title 32

- 32-18-293 Recalls, p. 1468
- 32-20-308 Label Review, p. 1278, 1841
- 32-20-310 Designated Surveillance Area, p. 843, 1282
- 32-20-311 Special Requirements for Poultry - Special Requirements for Alternative Livestock, p. 1472, 1843

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- 36-22-203 Management of State Forested Lands, p. 1046

(Board of Oil and Gas Conservation)

- 36-22-209 Privilege and License Tax, p. 1016

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- 37-908 Child Welfare Prevention and Support Services Contract Enrollment and Participation, p. 1087, 1528
- 37-912 Child Support Enforcement Division Program Name Change, p. 533, 966
- 37-913 Substantiation of Abuse and Neglect Reports - Disclosure of Information, p. 1574, 1739
- 37-916 Updating Medicaid and Non-Medicaid Provider Rates, Fee Schedules, and Effective Dates, p. 846, 1158
- 37-917 Medicaid and Non-Medicaid Manual Updates, p. 856, 1161
- 37-918 Home and Community Based Services for Adults With Severe and Disabling Mental Illness, p. 861, 1173
- 37-919 Nursing Facility Reimbursement, p. 949, 1330
- 37-920 Developmental Disabilities Program Services Manual Updates, p. 1094, 1529
- 37-921 Durable Medical Equipment Order and Record Requirement Update, p. 1098, 1530
- 37-922 Healthy Montana Kids Dental Benefits, p. 1102, 1531
- 37-923 Flavored Electronic Smoking Devices, p. 1105, 1637
- 37-924 Limiting COVID-19 Exposure in Assisted Living Facilities, p. 1333
- 37-925 Medicaid Rates and Services, p. 1476, 1740
- 37-926 Graduate Medical Education Methodology Changes, p. 1481, 1742
- 37-928 Home and Community-Based Services, p. 1486, 1707
- 37-929 Low Income Energy Assistance Program (LIEAP), p. 1582, 1844
- 37-930 Trauma Facility Designation, p. 1591, 1845
- 37-931 Automated External Defibrillators (AED), p. 1826
- 37-932 Substantiation of Abuse and Neglect Reports - Disclosure of Information, p. 2040
- 37-933 Updating Medicaid Provider Rates, Fee Schedules, and Effective Dates, p. 2048
- 37-934 Home Support Services (HSS) Program Redesign, p. 2054

37-935 Health and Economic Livelihood Partnership (HELP) Act, p. 2062

PUBLIC SERVICE REGULATION, Department of, Title 38

38-5-245 Small Generator Interconnection Definitions and Procedures, p. 651, 955

REVENUE, Department of, Title 42

42-1017 Approval of a Licensee Without Premises - Concession Agreements, p. 462, 566, 772, 1177, 1283
42-1019 Montana Economic Development Industry Advancement Act (MEDIAA), p. 473, 568, 774, 1638
42-1020 Alternative County Business Office Hours, p. 1115, 1648
42-1021 Forest Land Classification Requirements and Valuation, p. 1490, 1743
42-1022 State Liquor Warehouse Inventory Practices - Amendments to Bailment Limits - Revisions to Product Classification, p. 1506, 1745
42-1023 Classification and Valuation of Class Three Property (i.e., Agricultural Land), p. 1594, 1881
42-1024 Updates to the Montana Reappraisal Plan and Classification and Valuation Manuals, p. 1832, 2078
42-1025 Trended Depreciation Schedules for Valuing Personal Property, p. 1869

SECRETARY OF STATE, Office of, Title 44

44-2-238 Electronic Notary Stamps, p. 704, 1186
44-2-240 Scheduled Dates for the 2021 Montana Administrative Register, p. 1695, 1882

EXECUTIVE BRANCH APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the ***Montana Administrative Register*** a list of executive branch appointees and upcoming vacancies on those boards and councils.

In this issue, appointments effective in October 2020 appear. Potential vacancies from December 1, 2020 through February 28, 2021, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of November 1, 2020.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Alternative Health Care Board			
Mr. Jeffrey Green Belgrade Qualifications (if required): Naturopath	Governor	Deeble	10/2/2020 9/1/2024
Board of Athletic Trainers			
Dr. Calvin Schlepp Helena Qualifications (if required): Physician	Governor	Michelotti	10/23/2020 10/1/2023
Mr. John Curtis Weida Missoula Qualifications (if required): Athletic Trainer	Governor	reappointed	10/16/2020 10/1/2023
Board of Barbers and Cosmetologists			
Mrs. Lauren Hansen Helena Qualifications (if required): Licensed Electrologist, Esthetician, or Manicurist	Governor	reappointed	10/16/2020 10/1/2025
Board of Hearing Aid Dispensers			
Mr. Dennis Gene Scoggins Sr. Lima Qualifications (if required): Public Member	Governor	reappointed	10/16/2020 7/1/2023

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Outfitters			
Ms. Marcia Brownlee Missoula	Governor	reappointed	10/16/2020 10/1/2023
Qualifications (if required):	Member of the general public		
Representative Tom Facey Missoula	Governor	Fee	10/16/2020 10/1/2023
Qualifications (if required):	Sportsperson		
Mr. John Way Ennis	Governor	reappointed	10/16/2020 10/1/2023
Qualifications (if required):	Outfitter licensed to provide fishing and hunting services		
Board of Plumbers			
Mr. Steve Roll Forsyth	Governor	Miles	10/23/2020 5/1/2021
Qualifications (if required):	Representative of public		
Board of Public Education			
Ms. Sharon Carroll Ekalaka	Governor	Barnhart	10/2/2020 2/1/2025
Qualifications (if required):	District 2, Independent		

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Veterinary Medicine			
Ms. Kateri Nelson Livingston	Governor	Baker	10/23/2020 8/1/2025
Qualifications (if required): Public member who is a consumer of veterinary services			
Burial Preservation Board			
Mr. Carl Davis Missoula	Governor	reappointed	10/16/2020 9/1/2022
Qualifications (if required): Representative of the Montana Archaeological Association			
Mr. Conrad Fisher Lame Deer	Governor	reappointed	10/16/2020 9/1/2022
Qualifications (if required): Representative of the Northern Cheyenne Tribe			
Mr. John Murray Browning	Governor	Weatherwax	10/16/2020 9/1/2021
Qualifications (if required): Representative of the Blackfeet Nation			
Mr. Richard Parenteau Great Falls	Governor	reappointed	10/16/2020 9/1/2022
Qualifications (if required): Representative of the Little Shell Tribe			

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Capitol Complex Advisory Council			
Ms. Molly Kruckenberg Helena	Governor	Whittenberg	10/2/2020 1/1/2021
Qualifications (if required): Montana Historical Society Director			
Commission on Community Service			
Ms. Morgan Hubbard Forsyth	Governor	Juel	10/2/2020 7/1/2021
Qualifications (if required): 16-25 yr old who is involved in a service, national, or campus program			
Ms. Kimberly Lloyd Helena	Governor	Ferriter-Smith	10/2/2020 7/1/2021
Qualifications (if required): Agency Representative-OPI			
Future Fisheries Review Panel			
Mr. William Mytton Absarokee	Governor	reappointed	10/2/2020 7/1/2022
Qualifications (if required): Expertise in commercial agriculture			
Mr. Robert Schroeder Florence	Governor	Stone	10/2/2020 7/1/2022
Qualifications (if required): Expertise in irrigated agriculture			

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Future Fisheries Review Panel Cont.			
Mr. Luca Welle Kalispell Qualifications (if required): Montana high school student	Governor	Kloberdanz	10/2/2020 7/1/2021
Ms. Nancy Sue Winslow Missoula Qualifications (if required): Expertise in mining reclamation techniques	Governor	reappointed	10/2/2020 7/1/2022
Invasive Species Council			
Mr. Gerald Cobell Browning Qualifications (if required): Representative of Blackfeet Nation	Governor	Rutherford	10/16/2020 5/1/2023
Montana Criminal Justice Oversight Committee			
Ms. Rhonda Lindquist Helena Qualifications (if required): Office of Public Defender Representative	Governor	Ohman	10/2/2020 8/1/2021
Montana Preservation and Development Commission			
Ms. Molly Kruckenberg Helena Qualifications (if required): Montana Historical Society Director	Governor	Whittenberg	10/2/2020 1/1/2021

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Petroleum Tank Release Compensation Board			
Ms. Heather Marie Smith Bozeman	Governor	reappointed	10/16/2020 7/1/2023
Qualifications (if required): Representative of financial industry; experience in small business or property loans			
Mr. Edward A. Thamke Helena	Governor	reappointed	10/16/2020 7/1/2023
Qualifications (if required): Background in environmental regulation			
State Electrical Board			
Mr. Scott Wilson Great Falls	Governor	Medhus	10/16/2020 7/1/2025
Qualifications (if required): Master Licensed Electrical Contractor			
State Historic Preservation Review Board			
Dr. Delia Hagen Missoula	Governor	McLeod	10/1/2020 10/1/2024
Qualifications (if required): History Professional			

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Historic Preservation Review Board Cont.			
Mr. Jeffery Sheldon Lewistown Qualifications (if required): History Professional	Governor	Reappointed	10/1/2020 10/1/2024
Ms. Marcella Walter Helena Qualifications (if required): History professional	Governor	Reappointed	10/1/2020 10/1/2024
State Rehabilitation Council			
Mr. Scott Eychner Helena Qualifications (if required): State Workforce Innovation Board Representative	Governor	Reappointed	10/1/2020 10/1/2023
Ms. Chanda Hermanson Helena Qualifications (if required): DPHHS DETD Division Administrator	Governor	Reappointed	10/1/2020 10/1/2023
Ms. Renea C. Keough Hot Springs Qualifications (if required): Representative of individuals with disabilities	Governor	Kemp	10/1/2020 10/1/2023

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Rehabilitation Council Cont.			
Ms. Elizabeth Kraugh Missoula	Governor	Dagel	10/1/2020 10/1/2023
Qualifications (if required): Current or former applicant and recipient of vocational rehabilitation services			
Ms. Michele Letendre Bozeman	Governor	Reappointed	10/1/2020 10/1/2023
Qualifications (if required): Representative of individuals who have disabilities			
Dr. Thomas Manthey Billings	Governor	Costa	10/2/2020 10/1/2023
Qualifications (if required): Representative of individuals with disabilities			
Ms. Denise May Missoula	Governor	Reappointed	10/1/2020 10/1/2023
Qualifications (if required): Representative of individuals with disabilities			
Ms. Cheri Reed Miles City	Governor	Reappointed	10/1/2020 10/1/2023
Qualifications (if required): Vocational Rehabilitation Counselor			
Mrs. Emma Rooney Helena	Governor	Bighorn	10/1/2020 10/1/2023
Qualifications (if required): Business, Industry, or Labor Organization Representative			

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Rehabilitation Council Cont.			
Mr. Marvin Weatherwax Sr. Browning	Governor	Reappointed	10/1/2020 10/1/2023
Qualifications (if required): Tribal Vocational Rehabilitation Director			
State Workforce Innovation Board			
Mrs. Jeaneen L. Campbell Helena	Governor	reappointed	10/2/2020 7/1/2022
Qualifications (if required): Business Representative			
Mr. William Collins Great Falls	Governor	Byrd	10/16/2020 7/1/2022
Qualifications (if required): Workforce representative			
Mr. Alan Ekblad Helena	Governor	reappointed	10/2/2020 7/1/2022
Qualifications (if required): Workforce Representative			
Director Sheila Hogan Helena	Governor	reappointed	10/1/2020 7/1/2022
Qualifications (if required): DPHHS Director or designee			

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Innovation Board Cont.			
Mr. Ross Lane Bozeman	Governor	reappointed	10/2/2020 7/1/2022
Qualifications (if required): Business Representative			
Commissioner Michael McGinley Dillon	Governor	reappointed	10/2/2020 7/1/2022
Qualifications (if required): Local Government Elected Official			
Commissioner Brenda Nordlund Helena	Governor	reappointed	10/2/2020 7/1/2022
Qualifications (if required): Commissioner of Labor and Industry or designee			
Ms. Deborah Poteet Missoula	Governor	Daniels	10/2/2020 7/1/2022
Qualifications (if required): Business representative			
Director Tara Rice Helena	Governor	reappointed	10/2/2020 7/1/2022
Qualifications (if required):			
Ms. Melanie Schwartz Billings	Governor	Helt	10/2/2020 7/1/2021
Qualifications (if required): Workforce Representative			

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Innovation Board Cont.			
Mr. Grover Charles Wallace	Governor	reappointed	10/2/2020
Big Timber			7/1/2022
Qualifications (if required): Business Representative			
Statewide Independent Living Council			
Mr. Scott Lee Birkenbuel	Governor	reappointed	10/2/2020
Bozeman			12/1/2022
Qualifications (if required): person with disability and independent living center representative			
Water and Wastewater Operator's Advisory Council			
Mr. Ronald Brian Edwards	Governor	Reappointed	10/1/2020
Bozeman			10/1/2026
Qualifications (if required): Wastewater Treatment Plant Operator			
Youth Justice Council			
Mr. Qasim Walid Abdul-Baki	Governor	reappointed	10/2/2020
Helena			3/1/2022
Qualifications (if required): Law enforcement and juvenile justice agencies			
Ms. Minnetta Armstrong	Governor	reappointed	10/2/2020
Browning			3/1/2022
Qualifications (if required): Non profit			

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Youth Justice Council Cont.			
Mr. Kevin Buerkle Havre	Governor	New	10/2/2020 3/1/2022
Qualifications (if required):	Law enforcement and juvenile justice agencies		
Ms. Georgia J. Cady Columbus	Governor	New	10/2/2020 3/1/2022
Qualifications (if required):	Representative of victim or witness advocacy groups		
Mr. Michael Chavers Billings	Governor	New	10/2/2020 3/1/2022
Qualifications (if required):	Representative of programs that are alternatives to incarceration		
Mr. Chase Comes At Night Missoula	Governor	reappointed	10/2/2020 3/1/2022
Qualifications (if required):	Under the age of 28		
Dr. Tamara Greeling Billings	Governor	Gemar	10/2/2020 3/1/2022
Qualifications (if required):	Parent of a youth involved in the judicial system		
Ms. Kimberly Michelle Leighton Helena	Governor	reappointed	10/2/2020 3/1/2022
Qualifications (if required):	Nonprofit		

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Youth Justice Council Cont.			
Ms. Rhonda Lindquist Helena	Governor	reappointed	10/2/2020 3/1/2022
Qualifications (if required): Public Agency concerned w delinquency prevention or treatment			
Honorable Mary Jane McCalla Knisely Billings	Governor	reappointed	10/2/2020 3/1/2022
Qualifications (if required): Law enforcement and juvenile justice agencies			
Mrs. Holly Mook Helena	Governor	Cahoon	10/2/2020 3/1/2022
Qualifications (if required): Experience and competence in addressing problems related to school violence and vandalism			
Dr. Emily Sallee Frenchtown	Governor	New	10/2/2020 3/1/2022
Qualifications (if required): Person licensed or certified with expertise and competence			
Ms. Jazmyn Saunders Missoula	Governor	reappointed	10/2/2020 3/1/2022
Qualifications (if required): Under the age of 28			
Mr. Robert Scheben Bonner	Governor	Anderson	10/2/2020 3/1/2022
Qualifications (if required): Experience and competence in addressing problems related to school violence and vandalism			

EXECUTIVE BRANCH APPOINTEES FOR OCTOBER 2020

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Youth Justice Council Cont.			
Mr. Randy Shipman Dillon	Governor	reappointed	10/2/2020 3/1/2022
Qualifications (if required): Public agency concerned with delinquency prevention or treatment			
Ms. Gabrielle Shulman Missoula	Governor	New	10/2/2020 3/1/2022
Qualifications (if required): Representative of programs that are alternatives to incarceration			
Ms. Geri Small Lame Deer	Governor	reappointed	10/2/2020 3/1/2022
Qualifications (if required): Tribal Representative			
Mrs. Patricia Steinwand Helena	Governor	Bailon	10/2/2020 3/1/2022
Qualifications (if required): Volunteer who works with delinquents or potential delinquents			
Ms. Rae Gyn Trombley Great Falls	Governor	reappointed	10/2/2020 3/1/2022
Qualifications (if required): Under the age of 28			
Mr. Derek J. VanLuchene Helena	Governor	Barron	10/2/2020 3/1/2022
Qualifications (if required): Board of Crime Control member			

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Information Technology Board		
Director Sheila Hogan, Helena Qualifications (if required): Director of a state agency	Governor	1/1/2021
Mr. Sean Higginbotham, Great Falls Qualifications (if required): Member representing local government	Governor	1/1/2021
21st Judicial District		
Ms. Jennifer Boatwright Lint, Victor Qualifications (if required): None Stated	Governor	1/4/2021
4th Judicial District		
Mr. Shane Anthony Vannatta, Missoula Qualifications (if required): None Stated	Governor	12/31/2020
9-1-1 Advisory Council		
Director Jason Smith, Helena Qualifications (if required): Director of Indian Affairs	Governor	1/1/2021
Achieving a Better Life Experience Program Oversight Committee		
Director John Lewis, Helena Qualifications (if required): Dept. of Administration Director or Designee	Governor	1/1/2021
Ms. Catherine Murphy, Helena Qualifications (if required): Director of DPHHS	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Aeronautics		
Mr. Walter LeRoy McNutt, Sidney Qualifications (if required): Member of the Montana Chamber of Commerce	Governor	1/1/2021
Ms. Tricia McKenna, Bozeman Qualifications (if required): Member of the Montana Pilots' Association	Governor	1/1/2021
Mr. Roger Lincoln, Gildford Qualifications (if required): Member of the Association of Montana Aerial Applicators	Governor	1/1/2021
Mr. Bill Hunt Jr., Shelby Qualifications (if required): Attorney/Member of the MT County Comm. Assoc. or the MT League of Cities & Towns	Governor	1/1/2021
Mr. Jeff Wadekamper, Helena Qualifications (if required): Representative of the Montana Airport Management Association	Governor	1/1/2021
Board of Behavioral Health		
Ms. Kimberly C. Gardner, Helena Qualifications (if required): Licensed Clinical Social Worker	Governor	1/1/2021
Mr. Durand T. Bear Medicine, Browning Qualifications (if required): Licensed Addiction Counselor	Governor	1/1/2021
Dr. Catherine B. Jenni, Missoula Qualifications (if required): Licensed Professional Counselor and Marriage and Family Therapist	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Behavioral Health Cont.		
Ms. Megan N. Bailey, Missoula Qualifications (if required): Licensed Social Worker	Governor	1/1/2021
Mr. Adrian Sagan, Helena Qualifications (if required): Licensed Social Worker	Governor	1/1/2021
Board of Chiropractors		
Dr. Vincent J. Maddio, Helena Qualifications (if required): Practicing Chiropractor	Governor	1/1/2021
Ms. Sheryl Olson, Stevensville Qualifications (if required): Representative of the public	Governor	1/1/2021
Dr. Marcus Nynas, Billings Qualifications (if required): Practicing Chiropractor	Governor	1/1/2021
Board of Crime Control		
Atty. Gen. Tim Fox, Helena Qualifications (if required): Attorney General	Governor	1/1/2021
Sheriff Leo Dutton, Helena Qualifications (if required): Law Enforcement Representative	Governor	1/1/2021
Mr. William Dial, Whitefish Qualifications (if required): Law Enforcement Representative	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Crime Control Cont.		
Commissioner Laura Obert, Townsend Qualifications (if required): Local Government, Youth Justice Council Representative	Governor	1/1/2021
Mr. Wyatt Arthur Glade, Miles City Qualifications (if required): Law Enforcement Representative	Governor	1/1/2021
Mr. Tim Brurud, Havre Qualifications (if required): Youth Justice Council Representative	Governor	1/1/2021
Ms. Geri Small, Lame Deer Qualifications (if required): Professional & Community Organizations	Governor	1/1/2021
Mr. Jared Charles Cobell, Great Falls Qualifications (if required): Public Representative	Governor	1/1/2021
Mrs. Jennie Hansen, Huntley Qualifications (if required): Community Corrections	Governor	1/1/2021
Mrs. Katie Patricia Wirtz, Ronan Qualifications (if required): Community Corrections	Governor	1/1/2021
Board of Environmental Review		
Mr. Dexter Busby, Great Falls Qualifications (if required): Experience or background in environmental science	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Environmental Review Cont.		
Mr. John DeArment, Missoula Qualifications (if required): Experience or background in hydrology	Governor	1/1/2021
Ms. Christine Deveny, Helena Qualifications (if required): Expertise or background in local government planning	Governor	1/1/2021
Mr. Christian Tweeten, Missoula Qualifications (if required): Attorney	Governor	1/1/2021
Board of Examiners		
Atty. Gen. Tim Fox, Helena Qualifications (if required): Attorney General	Governor	1/1/2021
Sec. of State Corey Stapleton, Helena Qualifications (if required): Secretary of State	Governor	1/1/2021
Governor Steve Bullock, Helena Qualifications (if required): Governor	Governor	1/1/2021
Board of Hail Insurance		
Commissioner Matt Rosendale, Helena Qualifications (if required): State Auditor	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Horse Racing		
Mr. John Hayes, Great Falls Qualifications (if required): District 3	Governor	1/1/2021
Mr. Ralph Young, Columbus Qualifications (if required): Horse racing Industry	Governor	1/1/2021
Mr. Barry Stang, Helena Qualifications (if required): District 4	Governor	1/1/2021
Ms. Jody Smith, Miles City Qualifications (if required): District 1	Governor	1/1/2021
Board of Housing		
Mr. Eric L. Schindler, Helena Qualifications (if required): Member informed and experienced in housing, economics, or finance	Governor	1/1/2021
Mr. Patrick Edward Melby, Helena Qualifications (if required): Attorney	Governor	1/1/2021
Mr. John Lewis Raymond McClusky, Billings Qualifications (if required): Member informed and experienced in housing, economics, or finance	Governor	1/1/2021
Ms. Amber Sundsted, Billings Qualifications (if required): Member informed and experienced in housing, economics, or finance	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Humanities Montana		
Mrs. Carmen McSpadden, Bozeman Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. Aaron David Pruitt, Bozeman Qualifications (if required): Public Representative	Governor	1/1/2021
Ms. Mandy L. Smoker Broaddus, Helena Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. David A. Irion, Billings Qualifications (if required): Public Representative	Governor	1/1/2021
Board of Investments		
Mr. Mark E. Noennig, Billings Qualifications (if required): Representative of Small Business	Governor	1/1/2021
Mr. Jack Prothero, Great Falls Qualifications (if required): Representative of the financial community	Governor	1/1/2021
Ms. Maggie Jean Peterson, Anaconda Qualifications (if required): Member of the Public Employees' Retirement Board	Governor	1/1/2021
Mr. Jeffrey A. Greenfield, Shepherd Qualifications (if required): Member of the Teachers' Retirement Board	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Investments Cont.		
Mr. James Michael Edwards, Helena Qualifications (if required): Representative of small business	Governor	1/1/2021
Board of Livestock		
Mr. Brett DeBruycker, Dutton Qualifications (if required): cattle producer	Governor	1/1/2021
Board of Milk Control		
Mr. Ralph James Parker, Fairfield Qualifications (if required): Not connected to the industry and not a public officer, Democrat	Governor	1/1/2021
Mr. Erik Somerfeld, Power Qualifications (if required): Not connected to the industry and not a public officer, Democrat	Governor	1/1/2021
Mr. Brian Beerman, Fairfield Qualifications (if required): Not connected to the industry and not a public officer, Republican	Governor	1/1/2021
Board of Nursing Home Administrators		
Director Sheila Hogan, Helena Qualifications (if required): Director of the Department of Public Health and Human Services	Governor	1/1/2021
Board of Occupational Therapy Practice		
Ms. Brenda Toner, Missoula Qualifications (if required): Occupational Therapist	Governor	12/31/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Occupational Therapy Practice Cont. Ms. Lora Wier, Choteau Qualifications (if required): Member of the general public	Governor	12/31/2020
Board of Oil and Gas Conservation Mrs. Peggy Ames Nerud, Circle Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. Mac McDermott, Shelby Qualifications (if required): Member from the oil and gas industry	Governor	1/1/2021
Mr. Dennis Trudell, Fairview Qualifications (if required): Landowner (Special)	Governor	1/1/2021
Mr. Corey Michael Welter, Billings Qualifications (if required): Member from the oil and gas industry	Governor	1/1/2021
Ms. Linda Nelson, Billings Qualifications (if required): Public member	Governor	1/1/2021
Board of Pardons and Parole Ms. Annette Carter Farley, Helena Qualifications (if required): Extensive experience in corrections	Governor	1/1/2021
Mr. Edward Foley, Butte Qualifications (if required): Extensive experience in corrections	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Pardons and Parole Cont. Ms. Renee Bauer, Helena Qualifications (if required): Extensive experience in corrections	Governor	1/1/2021
Board of Personnel Appeals Mr. Quinton Edward Nyman, Helena Qualifications (if required): Full-time employee or elected official of a labor union	Governor	1/1/2021
Mrs. Anzarina Fontana Moore, Great Falls Qualifications (if required): Management employee	Governor	1/1/2021
Mrs. Jenny Lin Stringer, Livingston Qualifications (if required): Management employee in an organization	Governor	1/1/2021
Board of Public Assistance Ms. Marianne Roose, Eureka Qualifications (if required): Public Representative	Governor	1/1/2021
Ms. Amy D. Christensen, Helena Qualifications (if required): Attorney	Governor	1/1/2021
Board of Public Education Ms. Mary Jo Bremner, Browning Qualifications (if required): District 2, Democrat	Governor	2/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Regents of Higher Education		
Ms. Martha Sheehy, Billings Qualifications (if required): District 2 and a Democrat	Governor	2/1/2021
Board of Respiratory Care Practitioners		
Mr. Leonard Bates, Wolf Creek Qualifications (if required): Respiratory Care Practitioner	Governor	1/1/2021
Mr. Rusty James Davies, Billings Qualifications (if required): Respiratory Care Practitioners	Governor	1/1/2021
Mr. Tony Jay Miller, Joplin Qualifications (if required): Respiratory Care Practitioner	Governor	1/1/2021
Board of Review		
Director Sheila Hogan, Helena Qualifications (if required): Director of the Department of Public Health and Human Services	Governor	1/1/2021
Director Mike Kadas, Helena Qualifications (if required): Director of the Department of Revenue, Presiding Officer	Governor	1/1/2021
Atty. Gen. Tim Fox, Helena Qualifications (if required): Attorney General, Director of the Department of Justice	Governor	1/1/2021
Director Tom Livers, Helena Qualifications (if required): Director of the Department of Environmental Quality	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Review Cont.		
Commissioner Pam Bucy, Helena Qualifications (if required): Commissioner of the Department of Labor and Industry	Governor	1/1/2021
Ms. Angela Wong, Helena Qualifications (if required): Agency requesting inclusion	Governor	1/1/2021
Director Mike Honeycutt, Helena Qualifications (if required): Director of the Department of Livestock	Governor	1/1/2021
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	1/1/2021
Mr. Shaun McGrath, Helena Qualifications (if required): Director of the Department of Environmental Quality	Governor	1/1/2021
Commissioner Tom Lopach, Helena Qualifications (if required): Commissioner of Labor and Industry	Governor	1/1/2021
Commissioner Brenda Nordlund, Helena Qualifications (if required): Commissioner of Labor and Industry	Governor	1/1/2021
Board of Speech Language Pathologists and Audiologists		
Dr. Gene W. Bukowski, Billings Qualifications (if required): Audiologist	Governor	12/31/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Speech Language Pathologists and Audiologists Cont. Dr. Kelsey Mann, Billings Qualifications (if required): Audiologist	Governor	12/31/2020
Board of Veterans Affairs Major General Matthew T. Quinn, Fort Harrison Qualifications (if required): Director of the Department of Military Affairs, non-voting member	Governor	1/1/2021
Director Jason Smith, Helena Qualifications (if required): Director of the Office of Indian Affairs, non-voting member	Governor	1/1/2021
Building Codes Council Director Sheila Hogan, Helena Qualifications (if required): Director of the Department of Public Health and Human Services	Governor	1/1/2021
Butte Natural Resource Damage (NRD) Restoration Council Representative Ryan Lynch, Butte Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. Roderick David Williams, Butte Qualifications (if required): Public Representative	Governor	1/1/2021
Ms. Helen O'Connor Joyce, Butte Qualifications (if required): Public Representative	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Capitol Complex Advisory Council		
Mr. Bruce Whittenberg, Helena Qualifications (if required): Director of the Montana Historical Society	Governor	1/1/2021
Mrs. Carol Williams, Missoula Qualifications (if required): Public Member	Governor	1/1/2021
Ms. Molly Kruckenberg, Helena Qualifications (if required): Montana Historical Society Director	Governor	1/1/2021
Mrs. Sheena Wilson, Helena Qualifications (if required): Public Member	Governor	1/1/2021
Director John Lewis, Helena Qualifications (if required): Director of the Department of Administration	Governor	1/1/2021
Ms. Tatiana Gant, Helena Qualifications (if required): Director of the Montana Arts Council	Governor	1/1/2021
Ms. Sheryl Olson, Stevensville Qualifications (if required): Public member	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Coal Board		
Mayor John N. Williams, Colstrip Qualifications (if required): District 2, Impact Area	Governor	1/1/2021
Mr. Sean Smith, Anaconda Qualifications (if required): District 1	Governor	1/1/2021
Commissioner Sidney Fitzpatrick, Hardin Qualifications (if required): District 2, Impact Area	Governor	1/1/2021
Mr. Shawn Fredrickson, Butte Qualifications (if required): District 1	Governor	1/1/2021
Ms. Amber Lynn Henning, Missoula Qualifications (if required): Attorney, District I	Governor	1/1/2021
Commission for Human Rights		
Mr. Christopher Pope, Bozeman Qualifications (if required): Public Representative	Governor	1/1/2021
Ms. Theresa L. Doty, Butte Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. Michael Murray, Helena Qualifications (if required): Public Representative	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Commission for Human Rights Cont. Ms. Sheri Sprigg, Helena Qualifications (if required): Attorney	Governor	1/1/2021
Commissioner of the Montana Department of Labor and Industry Commissioner Thomas K. Lopach, Helena Qualifications (if required): None Stated	Governor	1/1/2021
Mr. Galen John Hollenbaugh, Helena Qualifications (if required): Director of the Montana Department of Labor and Industry	Governor	1/4/2021
Department of Administration Director Director John Lewis, Helena Qualifications (if required): Director of the Department of Administration	Governor	12/31/2020
Department of Commerce Director Tara Rice, Helena Qualifications (if required): None Stated	Governor	1/1/2021
Department of Environmental Quality Director Mr. Shaun McGrath, Helena Qualifications (if required):	Governor	1/1/2021
Director Tom Livers, Helena Qualifications (if required): none specified	Governor	12/31/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Department of Fish, Wildlife and Parks Director Director Martha Williams, Helena Qualifications (if required): Director of the Department of Fish, Wildlife and Parks	Governor	1/1/2021
Department of Labor and Industry Director Commissioner Pam Bucy, Helena Qualifications (if required): none specified	Governor	12/31/2020
Department of Military Affairs Director Major General Matthew T. Quinn, Fort Harrison Qualifications (if required): none specified	Governor	12/31/2020
Department of Natural Resources and Conservation Director Director John Tubbs, Helena Qualifications (if required): None Stated	Governor	12/31/2020
Department of Public Health and Human Services Director Director Sheila Hogan, Helena Qualifications (if required): None Stated	Governor	12/31/2020
Department of Revenue Director Director Mike Kadas, Helena Qualifications (if required): None Stated	Governor	12/31/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Department of Transportation Director Director Mike Tooley, Helena Qualifications (if required): none specified	Governor	12/31/2020
Director of the Department of Commerce Director Pam Haxby-Cote, Helena Qualifications (if required): None Stated	Governor	1/1/2021
Director of the Department of Corrections Director Reginald D. Michael, Helena Qualifications (if required): None Stated	Governor	1/1/2021
Director of the Department of Revenue Director Eugene L. Walborn, Helena Qualifications (if required): None Stated	Governor	1/4/2021
District Court Judge Mr. Howard Frank Recht, Hamilton Qualifications (if required): None Stated	Governor	1/3/2021
District Court Judge District 7 Department 1 Ms. Olivia C. Rieger, Glendive Qualifications (if required): none stated	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Drought and Water Supply Advisory Committee		
Lt. Governor Mike Cooney, Helena Qualifications (if required): Representative of the Governor	Governor	1/1/2021
Director Tom Livers, Helena Qualifications (if required): Director of the Department of Environmental Quality	Governor	1/1/2021
Major General Matthew T. Quinn, Fort Harrison Qualifications (if required): Director of the Department of Military Affairs	Governor	1/1/2021
Director John Tubbs, Helena Qualifications (if required): Director of the Department of Natural Resources and Conservation	Governor	1/1/2021
Director Pam Haxby-Cote, Helena Qualifications (if required): Director of the Department of Commerce	Governor	1/1/2021
Director Mike Honeycutt, Helena Qualifications (if required): Director of the Department of Livestock	Governor	1/1/2021
Director Martha Williams, Helena Qualifications (if required): Director of the Department of Fish, Wildlife and Parks	Governor	1/1/2021
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	1/1/2021
Mr. Shaun McGrath, Helena Qualifications (if required): None Stated	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Drought and Water Supply Advisory Committee Cont. Director Tara Rice, Helena Qualifications (if required): Director of the Department of Commerce	Governor	1/1/2021
Eastern Montana Elder Justice Council Mr. Wyatt Arthur Glade, Miles City Qualifications (if required): County Attorney	Governor	12/31/2020
Ms. Denise Armstrong, Billings Qualifications (if required): Senior advocacy	Governor	12/31/2020
Mr. Tom Barleson, Helena Qualifications (if required): Law Enforcement/Investigator	Governor	12/31/2020
Ms. Marcy Brookie, Roundup Qualifications (if required): Senior advocacy	Governor	12/31/2020
Mr. Neil Brunett, Helena Qualifications (if required): Director or Designee of the Commissioner of Securities and Insurance	Governor	12/31/2020
Mr. Todd Buchanan, Billings Qualifications (if required): Licensed Certified Financial Planner	Governor	12/31/2020
Ms. Renee' Buhmann, Miles City Qualifications (if required): Private financial institution	Governor	12/31/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Eastern Montana Elder Justice Council Cont.		
Mr. Gary Connelley, Billings Qualifications (if required): Licensed private attorney	Governor	12/31/2020
Sheriff Allen Fulton, Forsyth Qualifications (if required): Law Enforcement	Governor	12/31/2020
Ms. Margaret Gallagher, Billings Qualifications (if required): County Attorney	Governor	12/31/2020
Mr. Michael Hagenlock, Helena Qualifications (if required): Director of the DPHHS Ex-Officio	Governor	12/31/2020
Mr. Tom Kuntz, Red Lodge Qualifications (if required): Community leader	Governor	12/31/2020
Mr. Brett Lapham, Billings Qualifications (if required): Law Enforcement/Investigator	Governor	12/31/2020
Mr. Mike Larson, Billings Qualifications (if required): Co-Chair and Senior Advocate	Governor	12/31/2020
Mr. Chris McConnell, Helena Qualifications (if required): Director of the Dept. of Justice Ex-Officio	Governor	12/31/2020
Mr. Chuck Munson, Helena Qualifications (if required): Co-Chair and Director of the Dept. of Justice Ex-Officio	Governor	12/31/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Eastern Montana Elder Justice Council Cont.		
Ms. Tammy Peltomaa, Helena Qualifications (if required): Director of the Dept. of Administration, Ex-Officio	Governor	12/31/2020
Mr. Al Ward, Helena Qualifications (if required): Senior Advocate	Governor	12/31/2020
Ms. Karla Painter, Billings Qualifications (if required): Law Enforcement/Investigator	Governor	12/31/2020
Economic Development Advisory Council		
Director Pam Haxby-Cote, Helena Qualifications (if required): Department of Commerce Director	Governor	1/1/2021
Mr. Ken Fichtler, Helena Qualifications (if required): Chief Business Development Officer	Governor	1/1/2021
Director Tara Rice, Helena Qualifications (if required): Director of the Department of Commerce	Governor	1/1/2021
Education Commission of the States		
Governor Steve Bullock, Helena Qualifications (if required): Governor	Governor	1/1/2021
Ms. Elly Driggers, Helena Qualifications (if required): Educator engaged in K-12 Education	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Education Commission of the States Cont.		
Ms. Darlene Schottle, Bigfork Qualifications (if required): Educator in K-12 education	Governor	1/1/2021
Ms. Alison Harmon, Bozeman Qualifications (if required): Educator engaged in the field of higher education	Governor	1/1/2021
Superintendent Elsie Arntzen, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	1/1/2021
Family Education Savings Program Oversight Committee		
Commissioner Matt Rosendale, Helena Qualifications (if required): Commissioner of Insurance	Governor	1/1/2021
Director John Lewis, Helena Qualifications (if required): State Treasurer	Governor	1/1/2021
Commissioner Clayton Christian, Helena Qualifications (if required): Presiding officer of the board or designee	Governor	1/1/2021
Fish and Wildlife Commission		
Mr. Gregory M. Tollefson, Missoula Qualifications (if required): District 1	Governor	1/1/2021
Mr. Richard Louis Stuker, Chinook Qualifications (if required): District 3, Experienced in the breeding and management of domestic livestock	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Fish and Wildlife Commission Cont.		
Mr. Matthew Tourtlotte, Billings Qualifications (if required): District 5	Governor	1/1/2021
Mr. Shane Colton, Billings Qualifications (if required): District 5	Governor	1/1/2021
Mr. Grover Bennett Aldrich, Missoula Qualifications (if required): District 1	Governor	1/1/2021
Flathead Basin Commission		
Director Tom Livers, Helena Qualifications (if required): Director of the Department of Environmental Quality	Governor	1/1/2021
Director John Tubbs, Helena Qualifications (if required): Director of the Department of Natural Resources and Conservation	Governor	1/1/2021
Director Martha Williams, Helena Qualifications (if required): Director of the Department of Fish, Wildlife and Parks	Governor	1/1/2021
Mr. Patrick Holmes, Helena Qualifications (if required): Governor's Staff	Governor	1/1/2021
Mr. Shaun McGrath, Helena Qualifications (if required): Director of the Department of Environmental Quality	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Flathead Reservation Fish and Wildlife Board		
Ms. Pelah Niamie Hoyt, Missoula Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. Michael Carl Jamison, Whitefish Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. Rodd Richardson, Saint Ignatius Qualifications (if required): Public Representative	Governor	1/1/2021
Governor's Budget Director		
Director Tom Livers, Helena Qualifications (if required): None Stated	Governor	1/1/2021
Hard-Rock Mining Impact Board		
Mr. Joe Michaletz, Helena Qualifications (if required): Representative of the hard-rock mining industry, District 1	Governor	1/1/2021
Ms. Kay Clevidence, Victor Qualifications (if required): Representative of a Major Financial Institution in Montana, District 1	Governor	1/1/2021
Mr. Tim Warner, Bozeman Qualifications (if required): Public At-Large, District 1	Governor	1/1/2021
Mr. Keith Kelly, Helena Qualifications (if required): Representative of a Major Financial Institution in Montana, District 2	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Hard-Rock Mining Impact Board Cont.		
Mr. John C. Rogers, Clancy Qualifications (if required): Public At-Large, District 1, Impact Area	Governor	1/1/2021
Mr. Mark S. Thompson, Butte Qualifications (if required): Representative of the Hard-Rock Mining Industry, District 1	Governor	1/1/2021
Human Rights Commission		
Mr. Timothy A. Tatarka, Billings Qualifications (if required): Public Representative	Governor	1/1/2021
Ms. Stephanie Maria Denton Baucus, Billings Qualifications (if required): Public Representative	Governor	1/1/2021
Information Technology Board		
Director John Tubbs, Helena Qualifications (if required): Director of a State Agency	Governor	1/1/2021
Ms. Jennie Stapp, Helena Qualifications (if required): Director of a State Agency	Governor	1/1/2021
Mr. Ron Baldwin, Helena Qualifications (if required): Chief Information Officer	Governor	1/1/2021
Director John Lewis, Helena Qualifications (if required): Director of the Department of Administration	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Information Technology Board Cont.		
Ms. Cece Harris, Belgrade Qualifications (if required): Member representing the private sector	Governor	1/1/2021
Representative Mike Milburn, Helena Qualifications (if required): Director of a State Agency	Governor	1/1/2021
Ms. Amy Sassano, Helena Qualifications (if required): Office of Budget and Program Planning	Governor	1/1/2021
Mr. Cody Jones, Boulder Qualifications (if required): Local Government	Governor	1/1/2021
Mr. Timothy Bottenfield, Helena Qualifications (if required): Chief Information Officer	Governor	1/1/2021
Director Martha Williams, Helena Qualifications (if required): State Agency Director	Governor	1/1/2021
Commissioner Tom Lopach, Helena Qualifications (if required): Director of a State Agency	Governor	1/1/2021
Commissioner Brenda Nordlund, Helena Qualifications (if required): Director of a State Agency	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Interagency Coordinating Council for State Prevention Programs		
Atty. Gen. Tim Fox, Helena Qualifications (if required): Attorney General	Governor	1/1/2021
Director Jason Smith, Helena Qualifications (if required): Director of the Governor's Office of Indian Affairs	Governor	1/1/2021
Director Mike Tooley, Helena Qualifications (if required): Director of the Department of Transportation	Governor	1/1/2021
Director Reginald D. Michael, Helena Qualifications (if required): Director of the Department of Corrections	Governor	1/1/2021
Major General Matthew Quinn, Helena Qualifications (if required): Adjutant General of the Department of Military Affairs	Governor	1/1/2021
Superintendent Elsie Arntzen, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	1/1/2021
Commissioner Galen Hollenbaugh, Helena Qualifications (if required): Commissioner of Labor and Industry	Governor	1/1/2021
Mr. Leslie Caye, Polson Qualifications (if required): Presiding Officer of the Montana Children's Trust Fund Board	Governor	1/1/2021
Ms. Natalia Bowser, Helena Qualifications (if required): Board of Crime Control Executive Officer	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Interagency Coordinating Council for State Prevention Programs Cont. Commissioner Clayton Christian, Helena Qualifications (if required): Commissioner of Higher Education	Governor	1/1/2021
Commissioner Brenda Nordlund, Helena Qualifications (if required): Commissioner of Labor and Industry	Governor	1/1/2021
Interstate Commission on Educational Opportunity for Military Children Superintendent Elsie Arntzen, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	1/1/2021
Interstate Oil Compact Commission Mr. Ron Efta, Wibaux Qualifications (if required): Official Representative	Governor	1/1/2021
Mr. Jim Halvorson, Billings Qualifications (if required): Associate Official Representative	Governor	1/1/2021
Mr. Steven D. Durrett, Billings Qualifications (if required): Official Representative of Montana	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Judicial Nomination Commission Senator Lane Larson, Billings Qualifications (if required): Lay member	Governor	1/1/2021
Juvenile Interstate Compact Commissioner Ms. Cathy Gordon, Helena Qualifications (if required): None Stated	Governor	1/1/2021
Labor-Management Advisory Council Lt. Governor Mike Cooney, Helena Qualifications (if required): Chair	Governor	12/31/2020
Mr. Don Judge, Helena Qualifications (if required): Representing Employees	Governor	12/31/2020
Mr. Doug Buman, Seattle, WA Qualifications (if required): Representing Employees	Governor	12/31/2020
Ms. Annette Hoffman, Billings Qualifications (if required): Representing Employers	Governor	12/31/2020
Mr. Eric Strauss, Helena Qualifications (if required): Ex-officio Member	Governor	12/31/2020
Mr. Lance Zanto, Helena Qualifications (if required): Representing Employers	Governor	12/31/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Labor-Management Advisory Council Cont.		
Mr. Jim Larson, Billings Qualifications (if required): Representing Employees	Governor	12/31/2020
Mr. Al Smith, Helena Qualifications (if required): Employees chosen by the Montana Trial Lawyers Association	Governor	12/31/2020
Mr. Adam Haight, Helena Qualifications (if required): Representing Employees	Governor	12/31/2020
Mr. Bridger Mahlum, Helena Qualifications (if required): Employers representing Montana Chamber of Commerce	Governor	12/31/2020
Mr. Mike Marsh, Billings Qualifications (if required): Representing Employers	Governor	12/31/2020
Ms. Vicky Evans, Great Falls Qualifications (if required): Employers representing self-insurers	Governor	12/31/2020
Land Information Advisory Council		
Ms. Jennie Stapp, Helena Qualifications (if required): State Librarian	Governor	1/1/2021
Mr. Ron Baldwin, Helena Qualifications (if required): Chief Information Officer	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Land Information Advisory Council Cont. Mr. Timothy Bottenfield, Helena Qualifications (if required): Chief Information Officer	Governor	1/1/2021
Livestock Loss Board Mr. Seth M. Wilson, Missoula Qualifications (if required): Member of the general public	Governor	1/1/2021
Mr. Harold James Cross, Kalispell Qualifications (if required): Member of the general public	Governor	1/1/2021
Ms. Doreen Gillespie, Ethridge Qualifications (if required): Member actively involved in the livestock industry	Governor	1/1/2021
Montana Agriculture Development Council Director Pam Haxby-Cote, Helena Qualifications (if required): Director of the Department of Commerce	Governor	1/1/2021
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	1/1/2021
Director Tara Rice, Helena Qualifications (if required): Director of the Department of Commerce	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Alfalfa Seed Committee		
Mr. Ernest Johnson, Chinook Qualifications (if required): Actively engaged in the growing of alfalfa seed within the state	Governor	12/1/2020
Mr. John Mehling, Hardin Qualifications (if required): Alfalfa Seed Grower and rears alfalfa leaf-cutting bees	Governor	12/1/2020
Mr. Cavin Steiger, Forsyth Qualifications (if required): Alfalfa seed grower	Governor	12/1/2020
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	1/1/2021
Montana Children's Trust Fund Board		
Mr. Joseph Mathieu Raffiani, Billings Qualifications (if required): Member	Governor	1/1/2021
Mr. Leslie Caye, Polson Qualifications (if required): Member	Governor	1/1/2021
Ms. Brooke Bartholomew, Miles City Qualifications (if required): Public Member	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Council on Developmental Disabilities		
Ms. Lorrie Merrill, Big Sandy Qualifications (if required): Local Nongovernmental entity interested in services	Governor	1/1/2021
Mr. Bob Maffit, Helena Qualifications (if required): local non-government entity interested in services	Governor	1/1/2021
Ms. Erin Butts, Helena Qualifications (if required): State Agency Representative	Governor	1/1/2021
Mr. Len Nopen, East Helena Qualifications (if required): Self-Advocate	Governor	1/1/2021
Ms. Kim Evermann, Helena Qualifications (if required): State Agency Representative	Governor	1/1/2021
Ms. Melissa Clark, Great Falls Qualifications (if required): Self-Advocate	Governor	1/1/2021
Ms. Jan Wenaas, Great Falls Qualifications (if required): Parent/Family Advocate	Governor	1/1/2021
Mr. Don Berryman, Anaconda Qualifications (if required): Parent/Family Advocate	Governor	1/1/2021
Ms. Nanette Whitman-Holmes, Helena Qualifications (if required): Parent/Family Advocate	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Council on Developmental Disabilities Cont.		
Mr. Isaiah Devereaux, Glasgow Qualifications (if required): Self-Advocate	Governor	1/1/2021
Mr. Jim Marks, Helena Qualifications (if required): State Agency Representative	Governor	1/1/2021
Mr. Martin Blair, Missoula Qualifications (if required): Sister Program	Governor	1/1/2021
Mr. Bob Des Jardin, Dillon Qualifications (if required): Parent/Family Advocate	Governor	1/1/2021
Ms. Virjeana Brown, Belgrade Qualifications (if required): Parent/Family Advocate	Governor	1/1/2021
Ms. Rebecca DeCamara, Helena Qualifications (if required): State Agency Representative	Governor	1/1/2021
Mrs. Dianna Crawford, Valier Qualifications (if required): Parent/Family Advocate	Governor	1/1/2021
Mr. Trenton Butler, Big Sandy Qualifications (if required): Self-Advocate	Governor	1/1/2021
Representative Susan Webber, Browning Qualifications (if required): State Legislator	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Council on Developmental Disabilities Cont.		
Ms. Tricia Yvonne Lough, Lewistown Qualifications (if required): Parent/Family Advocate	Governor	1/1/2021
Mr. Terry Stratton, Missoula Qualifications (if required): Parent/Family Advocate	Governor	1/1/2021
Mr. Devin Howard Booth, Kalispell Qualifications (if required): Self-advocate	Governor	1/1/2021
Ms. Ann Buss, Helena Qualifications (if required): DPHHS Title V	Governor	1/1/2021
Mr. David Eaton, Livingston Qualifications (if required): Local, nongovernmental agency	Governor	1/1/2021
Ms. Chanda Hermanson, Helena Qualifications (if required): DPHHS, Vocational Rehabilitation	Governor	1/1/2021
Ms. Karrie Reidelbach, Helena Qualifications (if required): DPHHS, Older Americans Act	Governor	1/1/2021
Rep. Geraldine Custer, Forsyth Qualifications (if required): State Legislator	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Facility Finance Authority		
Mr. James W. (Bill) Kearns, Townsend Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. Kent Burgess, Billings Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. Larry Putnam, Helena Qualifications (if required): Public Representative	Governor	1/1/2021
Mr. John Rogers, Helena Qualifications (if required): Public Representative	Governor	1/1/2021
Ms. Janet Bastian, Miles City Qualifications (if required): Public Representative	Governor	1/1/2021
Montana Grass Conservation Commission		
Mr. William F. Kennedy, Ekalaka Qualifications (if required): Officer of or serves on the board of directors of a state district	Governor	1/1/2021
Ms. Vicki Dunaway, Billings Qualifications (if required): Member of the public who possesses a general understanding of livestock industry	Governor	1/1/2021
Montana Heritage Preservation and Development Commission		
Director Pam Haxby-Cote, Helena Qualifications (if required): Department of Commerce Director	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Heritage Preservation and Development Commission Cont.		
Mr. Bruce Whittenberg, Helena Qualifications (if required): Director of the Montana Historical Society	Governor	1/1/2021
Director Tara Rice, Helena Qualifications (if required): Director of the Department of Commerce	Governor	1/1/2021
Ms. Molly Kruckenberg, Helena Qualifications (if required): Montana Historical Society Director	Governor	1/1/2021
Director Martha Williams, Helena Qualifications (if required): Department of Fish, Wildlife and Parks Director	Governor	1/1/2021
Montana Pulse Crop Committee		
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	1/1/2021
Montana Reinsurance Association Board of Directors		
Mr. Mike Batista, Helena Qualifications (if required): Director appointed by the Governor	Governor	1/1/2021
Montana Unmanned Aerial Systems Council		
Mr. J. D. Jacoby, Helena Qualifications (if required): Department of Commerce Designee	Governor	12/30/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Unmanned Aerial Systems Council Cont.		
Director Jason Smith, Helena Qualifications (if required): Office of Indian Affairs	Governor	12/31/2020
Mr. Butch Huseby, Helena Qualifications (if required): Dept. of Justice Designee	Governor	12/31/2020
Mr. Mike Bousliman, Helena Qualifications (if required): Department of Transportation Designee	Governor	12/31/2020
Mr. Gordy Conn, Missoula Qualifications (if required): Department of Revenue Designee	Governor	12/31/2020
Ms. Jennifer Fowler, Missoula Qualifications (if required): Representative of the Montana University System	Governor	12/31/2020
Mr. Kreh Germaine, Helena Qualifications (if required): Dept. of Natural Resources and Conservation Designee	Governor	12/31/2020
Mr. Weston Irr, Livingston Qualifications (if required): Private Industry	Governor	12/31/2020
Mr. Dan Olson, Helena Qualifications (if required): Dept. of Livestock Designee	Governor	12/31/2020
Mr. James Strait, Helena Qualifications (if required): Dept. of Environmental Quality Designee	Governor	12/31/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Unmanned Aerial Systems Council Cont.		
Mr. Paul Szczepaniak, Helena Qualifications (if required): Dept. of Corrections Designee	Governor	12/31/2020
Mr. Dustin Temple, Helena Qualifications (if required): Dept. of Fish, Wildlife and Parks Designee	Governor	12/31/2020
Ms. Patty White, Helena Qualifications (if required): Dept. of Commerce Designee	Governor	12/31/2020
Mr. R. Stephen White, Bozeman Qualifications (if required): Private Industry	Governor	12/31/2020
Mr. Joseph Frohlich, Helena Qualifications (if required): State Information Technology Services Representative	Governor	12/31/2020
Northwest Electric Power and Conservation Council		
Mr. Christopher Bo Downen, Helena Qualifications (if required): Member of the Council	Governor	1/1/2021
Ms. Jennifer Anders, Helena Qualifications (if required): none specified	Governor	12/31/2020

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Pacific Northwest Economic Region		
Mr. Cliff Larsen, Missoula	Governor	1/1/2021
Qualifications (if required): Designee of the Governor		
Phillips County Transportation Improvement Authority		
Ms. Charlene Carley Lefthand-Irvine, Polson	Governor	1/1/2021
Qualifications (if required): Public member		
Public Safety Officer Standards and Training Council (POST)		
Captain Jason R. Jarrett, Bozeman	Governor	1/1/2021
Qualifications (if required): Detention center administrator		
 Sheriff Tony Harbaugh, Miles City	 Governor	 1/1/2021
Qualifications (if required): Sheriff		
Mr. John Strandell, Helena	Governor	1/1/2021
Qualifications (if required): State Government Law Enforcement Representative		
Mrs. Kimberly Burdick, Fort Benton	Governor	1/1/2021
Qualifications (if required): Montana citizen at-large who is informed and experienced in the subject of law enforcement		
Sheriff Leo Dutton, Helena	Governor	1/1/2021
Qualifications (if required): Board of Crime Control Member		

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Public Safety Officers Standards and Training (POST) Council Cont.		
Lt. Timothy Owen Neiter, Billings Qualifications (if required): Detention Center Administrator or Detention Officer	Governor	1/1/2021
Mr. James Thomas, Canyon Creek Qualifications (if required): Montana citizen at-large who is informed and experienced in the subject of law enforcement	Governor	1/1/2021
Rail Service Competition Council		
Director Mike Kadas, Helena Qualifications (if required): Director of the Department of Revenue	Governor	1/1/2021
Mr. Todd O'Hair, Helena Qualifications (if required): Substantial knowledge and experience related to transportation for the coal industry	Governor	1/1/2021
Mr. Jerry Dean Jimison, Glendive Qualifications (if required): Substantial knowledge and experience related to Class I railroads	Governor	1/1/2021
Director Mike Tooley, Helena Qualifications (if required): Director of the Department of Transportation	Governor	1/1/2021
Mr. Eric Doheny, Dutton Qualifications (if required): Producer	Governor	1/1/2021
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Rail Service Competition Council Cont.		
Mr. Ken Fichtler, Helena Qualifications (if required): Chief Business Development Officer of Economic Development	Governor	1/1/2021
Mr. Vu Pham, Billings Qualifications (if required): Knowledge of Mineral Industry Transportation	Governor	1/1/2021
Rangeland Resources Committee		
Mr. John A. Hollenback, Gold Creek Qualifications (if required): Presiding Officer, Rancher	Governor	1/1/2021
Mr. Steve Hedstrom, Raynesford Qualifications (if required): Vice Presiding Officer, Rancher	Governor	1/1/2021
Ms. Diane Ahlgren, Mosby Qualifications (if required): Rancher from the eastern area of the state	Governor	1/1/2021
Mr. Noel Keogh, Nye Qualifications (if required): Rancher from the southern area of the state	Governor	1/1/2021
Mrs. Connie Iversen, Culbertson Qualifications (if required): Rancher from the northern area of the state	Governor	1/1/2021
Mr. Sigurd M. Jensen, Elmo Qualifications (if required): Rancher from the area of the state west of the continental divide	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Historic Preservation Officer Mr. Peter Brown, Helena Qualifications (if required): Nominee of the Montana Historical Society	Governor	1/1/2021
State Lottery Commission Mr. Wilbur Rehmann, Helena Qualifications (if required): Public Representative	Governor	1/1/2021
 Mrs. Jessica Louise Kynett, Livingston Qualifications (if required): 5 years' experience as a law enforcement officer	Governor	1/1/2021
 State Parks and Recreation Board Ms. Betty Stone, Glasgow Qualifications (if required): District 4 member	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Parks and Recreation Board Cont.		
Mr. Jeffrey Welch, Livingston Qualifications (if required): District 2 member	Governor	1/1/2021
Ms. Angie Grove, Helena Qualifications (if required): District 1 member	Governor	1/1/2021
Mrs. Erica Jean Lighthiser, Livingston Qualifications (if required): District 2 Member	Governor	1/1/2021
State Tax Appeal Board		
Mr. Steve Doherty, Missoula Qualifications (if required): Public Representative	Governor	1/1/2021
State-Tribal Economic Development Commission		
Director Jason Smith, Helena Qualifications (if required): State Director of Indian Affairs	Governor	1/1/2021
Director Pam Haxby-Cote, Helena Qualifications (if required): Member from the Department of Commerce	Governor	1/1/2021
Mr. Ken Fichtler, Helena Qualifications (if required): Member from the Governor's Office of Economic Development	Governor	1/1/2021
Director Tara Rice, Helena Qualifications (if required): Department of Commerce Representative	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Statewide Independent Living Council		
Mr. Carlos Alberto Ramalho, Billings Qualifications (if required): Person with a disability not employed by state agency	Governor	12/1/2020
Ms. Deserie Bonnie Kelly, Missoula Qualifications (if required): Person with a disability	Governor	12/1/2020
Transportation Commission		
Commissioner Greg Jergeson, Chinook Qualifications (if required): District 3	Governor	1/1/2021
Ms. Barb Skelton, Billings Qualifications (if required): District 5	Governor	1/1/2021
Commissioner Dave Schulz, Virginia City Qualifications (if required): District 2	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Transportation Commission Cont.		
Mr. Michael L. Hope, Bozeman	Governor	1/1/2021
Qualifications (if required): District 2, Republican		
Traumatic Brain Injury Advisory Council		
Director Sheila Hogan, Helena	Governor	1/1/2021
Qualifications (if required): Director of Public Health & Human Services or designee		
Superintendent Elsie Arntzen, Helena	Governor	1/1/2021
Qualifications (if required): Superintendent of Public Instruction or designee		
Mrs. Teresa McKeon, Malta	Governor	1/1/2021
Qualifications (if required): Survivor of Family Member of a Survivor of Traumatic Brain Injury		
Ms. Carla Hunsley, Fort Peck	Governor	1/1/2021
Qualifications (if required): Survivor or Family of Survivor of Traumatic Brain Injury		
Unemployment Insurance Appeals Board		
Mr. Brian Boland, Great Falls	Governor	1/1/2021
Qualifications (if required): Member of the public who is not an employee of state government		
Mrs. Sara Novak, Anaconda	Governor	1/1/2021
Qualifications (if required): Substitute board member, member of the public, not an employee of state government		

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Upper Clark Fork River Basin Remediation and Restoration Advisory Council		
Director Martha Williams, Helena Qualifications (if required): Director of the Dept. of Fish, Wildlife and Parks	Governor	1/1/2021
Director John Tubbs, Helena Qualifications (if required): Director of the DNRC	Governor	1/1/2021
Water Pollution Control Advisory Council		
Mr. Earl Salley, Great Falls Qualifications (if required): Representative of industry concerned with the disposal of inorganic waste	Governor	1/1/2021
Ms. Stevie Neuman, Vaughn Qualifications (if required): Supervisor of a soil and water conservation district	Governor	1/1/2021
Mr. Michael Wendland, Rudyard Qualifications (if required): Production agriculture representative	Governor	1/1/2021
Mrs. Mary Ahmann Hibbard, Helena Qualifications (if required): Realtor or developer representative	Governor	1/1/2021
Ms. Karen Bucklin Sanchez, Bozeman Qualifications (if required): Licensed professional engineer	Governor	1/1/2021
Mr. Trevor Selch, Helena Qualifications (if required): Fisheries biologist	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Water Pollution Control Advisory Council Cont.		
Mr. William Adam Sigler, Bozeman Qualifications (if required): Member of the public	Governor	1/1/2021
Mr. Craig C. Workman, Whitefish Qualifications (if required): Person serving as a public works director	Governor	1/1/2021
Mr. Bob Zimmer, Bozeman Qualifications (if required): Conservation organization representative	Governor	1/1/2021
Mr. Eric Campbell, Bozeman Qualifications (if required): Representative of industry concerned with the disposal of organic waste	Governor	1/1/2021
Mr. Mark Allen Fix, Miles City Qualifications (if required): Irrigated Agriculture Representative	Governor	1/1/2021
Western Interstate Energy Board		
Mr. Jeff Blend, Helena Qualifications (if required): Board Member	Governor	1/1/2021

EXECUTIVE BRANCH VACANCIES – DECEMBER 1, 2020 THROUGH FEBRUARY 28, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Western Interstate Energy Board Cont. Mr. Craig Jones, Helena Qualifications (if required): Board Member	Governor	1/1/2021
 Mr. Dan Lloyd, Helena Qualifications (if required): Board member	Governor	1/1/2021
Western Interstate Nuclear Compact State Nuclear Policy Mr. Patrick Holmes, Helena Qualifications (if required): Board member	Governor	1/1/2021
 Mr. Christopher Dorrington, Helena Qualifications (if required): Board Alternate Member	Governor	1/1/2021

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SECRETARY OF STATE

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